

MARTINSVILLE CIRCUIT		Case No.:CR19000009-00
Commonwealth of VA	vs.	HILL, BRIAN DAVID

PRO SE CASE FILES FROM BRIAN DAVID HILL/ CRIMINAL DEFENDANT  
DATED MARCH 20, 2023

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I, Brian David Hill, Pro se criminal defendant who is a party in a case within the Martinsville Circuit, certify that the contents of the pro se correspondence record listed in the table of contents constitute the true and complete record, except for exhibits/filings whose omission are noted in the table of contents, on March 20, 2023.

**Subject:** Fwd: Status of FOIA Request of Brian David Hill?

**From:** ROBERTA HILL <rbhill67@comcast.net>

**Date:** 2/13/2023, 3:37 PM

**To:** "Hon. Jean P. Nunn, Clerk of the Court" <jnunn@ci.martinsville.va.us>

**CC:** Martinsville City Commonwealth's Attorney <ahall@ci.martinsville.va.us>, "stanleybolten@justiceforuswgo.nl" <StanleyBolten@justiceforuswgo.nl>, "kenstella2005@comcast.net" <kenstella2005@comcast.net>, Ken & Stella Forinash <kenstella@comcast.net>, "Hon. Giles Carter Greer (Judge)" <cgreer@ci.martinsville.va.us>

(case no. CR19000009-00) Forward email of response to Brian David Hill's FOIA Request.

My son may write a short formal pleading about the new evidence surfaced from Kendall Davis at a later time. If he does, I will email you that. It does prove cover up of body-camera footage.

Thanks,  
Roberta Hill

on behalf of Defendant (since he cannot use the internet):

Brian David Hill

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

----- Forwarded Message -----

**Subject:**Re: Status of FOIA Request of Brian David Hill?

**Date:**Mon, 13 Feb 2023 20:01:11 +0000

**From:**Kendall Davis <[kdavis@ci.martinsville.va.us](mailto:kdavis@ci.martinsville.va.us)>

**To:**ROBERTA HILL <[rbhill67@comcast.net](mailto:rbhill67@comcast.net)>

My apologies, I attached the wrong document. I had used Eric Monday's previous letter as a reference to format my response to your request, and accidentally uploaded the wrong file.

Here is the correct document, you should be receiving it in the mail this week.

Please be assured that the previous email was not the response to your FOIA request.

**Kendall Davis**

**Public Information Officer**

(O)276-403-5379

(M)276-734-0164

[kdavis@ci.martinsville.va.us](mailto:kdavis@ci.martinsville.va.us)



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**From:** ROBERTA HILL <[rbhill67@comcast.net](mailto:rbhill67@comcast.net)>  
**Sent:** Friday, February 10, 2023 4:48 PM  
**To:** Kendall Davis <[kdavis@ci.martinsville.va.us](mailto:kdavis@ci.martinsville.va.us)>  
**Cc:** [foiacouncil@dls.virginia.gov](mailto:foiacouncil@dls.virginia.gov) <[foiacouncil@dls.virginia.gov](mailto:foiacouncil@dls.virginia.gov)>; [stanleybolten@justiceforuswgo.nl](mailto:stanleybolten@justiceforuswgo.nl) <[stanleybolten@justiceforuswgo.nl](mailto:stanleybolten@justiceforuswgo.nl)>; Lin Wood <[lwood@linwoodlaw.com](mailto:lwood@linwoodlaw.com)>  
**Subject:** Re: Status of FOIA Request of Brian David Hill?

**CAUTION:** This email originated outside the City of Martinsville's email system.

Do not click links or open attachments unless you recognize the sender and know the content is safe.

My son Brian Hill plans to file a suit in General District Court next week. As courtesy, I am emailing you evidence attachment that Attorney Eric Monday had his contract with the City of Martinsville terminated in December, 2022.

I am emailing proof that Attorney Eric Monday was no longer the attorney effective January 2, 2023. You should know that, yet you are sending an old 2019 letter as if it is a current response, an old 2019th response from an attorney who was terminated for service for the City of Martinsville on January 2nd before my son's FOIA request was even filed on January 20, 2023. This sounds like fraud to me or misrepresentation to file an old letter as a response to a more recent FOIA request. I don't even think you read over the whole thing.

**See attachment file: article\_3050f0a0-7bd3-11ed-a1a7-3361f9f28edb.html.pdf: Council terminates City Attorney's contract. See [https://martinsvillebulletin.com/news/local/council-terminates-city-attorneys-contract/article\\_3050f0a0-7bd3-11ed-a1a7-3361f9f28edb.html](https://martinsvillebulletin.com/news/local/council-terminates-city-attorneys-contract/article_3050f0a0-7bd3-11ed-a1a7-3361f9f28edb.html)**

Also My son and I reviewed over the letter but that response was not to the current FOIA request but to a FOIA request made in 2019 over an entirely different thing. Brian isn't just any member of the public, his lawyer had court orders for the body-camera footage and yet the Police have repeatedly refused to comply with those court orders. Your all breaking the law to protect those who illegally destroyed evidence which would have proven my son innocent of indecent exposure.

This is not a current response which you had sent digitally but a response from 2019 over an entirely different FOIA request in 2019 over a search warrant. My son was able to get that document from the Clerk, but the records are concerning police body-camera footage and it's unlawful destruction. Brian needs that record to prove in a court of law when the body-camera footage was illegally destroyed in his criminal case to prove FRAUD ON THE COURT. At this point the whole criminal case is a fraud anyways, and your all protecting lies and fraud over what??? My son had medical issues in 2018 and the police treated his medical issues and autism as a crime.

**My son will go ahead and file a lawsuit over not a current response but are filing a 2019 response over an entirely different matter.** My son says he plans to sue over this improper response which isn't even dated in the current year of 2023. Using a Eric Monday letter from 2019. Search warrants are different than records over body-camera footage. The courts have asked for the body-camera footage in three separate orders and the corrupt former police chief G. E. Cassady kept stonewalling every request in violation of court orders. Your part of the cover up now,

and this is documented for a court of law. **You are complicit in the cover up of evidence destroying body-camera footage which multiple courts had asked for.**

On 02/10/2023 1:51 PM Kendall Davis <[kdavis@ci.martinsville.va.us](mailto:kdavis@ci.martinsville.va.us)> wrote:

I was able to get a response to his request this afternoon. Here is a digital response, I'll send one via mail on Monday morning.

Kendall Davis

Public Information Officer

(O)276-403-5379

(M)276-734-0164

[kdavis@ci.martinsville.va.us](mailto:kdavis@ci.martinsville.va.us)



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**From:** ROBERTA HILL <[rbhill67@comcast.net](mailto:rbhill67@comcast.net)>

**Sent:** Friday, February 10, 2023 1:19 PM

**To:** Kendall Davis <[kdavis@ci.martinsville.va.us](mailto:kdavis@ci.martinsville.va.us)>

**Subject:** Fwd: Status of FOIA Request of Brian David Hill?

**CAUTION:** This email originated outside the City of Martinsville's email system.  
Do not click links or open attachments unless you recognize the sender and know the content is safe.

----- Original Message -----

From: ROBERTA HILL <[rbhill67@comcast.net](mailto:rbhill67@comcast.net)>

To: "[mstrait@ci.martinsville.va.us](mailto:mstrait@ci.martinsville.va.us)" <[mstrait@ci.martinsville.va.us](mailto:mstrait@ci.martinsville.va.us)>

Date: 02/10/2023 12:47 PM

Subject: Status of FOIA Request of Brian David Hill?

City Attorney of Martinsville, Virginia,

What is the status and case number of my son's FOIA Request dated January 20, 2023?

Brian faxed the FOIA request on January 20, 2023 but does not know if it has yet been assigned a case number yet.

They are attached.

1. Status Letter to City of Martinsville and Police on FOIA - February 10, 2023(1).pdf: Brian's letter asking for status on his earlier filed FOIA request;
2. Letter to City of Martinsville and Police on FOIA - January 20, 2023(2).pdf: Brian's original FOIA request letter
3. {2023-01-20} [2].pdf: Transmission tickets proving receipt of FOIA request letter.

Thanks,  
Roberta Hill

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— Attachments: —

Brian Hill FOIA Request.pdf

149 KB



February 10, 2023

Brian David Hill  
310 Forest Street, Apt. 1  
Martinsville, VA 24112

Dear Mr. Hill,

Please see the following information in regards to your FOIA request. These answers were provided by Police Chief Rob Fincher.

#1

The Martinsville Police Department utilizes a server-based video system created by COBAN Tech Corporation which is now owned by Safe Fleet Inc. This system has a programed Digital Video Management System or DVMS. The DVMS follows a retention system for those videos that have not been marked as evidence by the Commonwealth's Attorney's Office. If the Commonwealth's Attorney's Office designates a video as evidence it is retained indefinitely. All other videos are subject to the DVMS retention schedule. The DVMS begins cleanup when a video is within the minimum and maximum hold period for its event classification and when the disk usage is more than 80% and have not been accessed in 150 days. DVMS cleanup refers to changing the file allocation address of that data file to allow for other data to be stored in place of that file. This is like all computer systems in that if you tell the computer to delete an item, it is not actually deleted but designated to be overwritten. The event type retention schedule for the DVMS is as follows;

Event Type	Minimum Days	Maximum Days
Assist other Agency	183	200
Assist other Officer	183	200
Vehicle Crash	183	200
Alarm – Business/Residential	120	150
Body Camera default	183	200
Criminal Apprehension	365	400
CIT – ECO – TDO	183	200



Disorderly Person / Group	183	200
Domestic	365	400
DUI-DUID	365	400
Funeral Escort	30	31
General Assistance	180	200
General Traffic Stop	365	400
Interview Rooms	365	366
Pursuit	365	400
Redlight/Stop Sign	200	201
Suspect Interview	365	400
Speeding	183	200
Training	200	300
Victim Interview	183	200
Video Training	10	11
Witness Interview	183	200

#2

If a court receives an item as evidence or potential evidence, then the court retains those items in their evidence storage. A court can issue a preservation order in certain circumstances for a limited time with certain data evidence. I have not heard of one ever being used for video data. It is mostly used for cellphone and telephone data. If litigation is filed within a court then the status of a video regarding that case would then be changed to “evidence” and then retained indefinitely. Notice of that litigation would have to be served on the department within the retention period followed. If a suit is filed after the evidence has been destroyed there is no way to “un-destroy” an item.

#3

In the records logs, I see that two videos, one body camera and one in-car camera, that were labeled David Hill from that date were removed (deleted) by the DVMS system on 4/9/2019. Neither video was indicated as evidence, so unfortunately, we do not have either. If I had the videos, I would have no problem giving them to you but unfortunately, I do not.

Sincerely

Kendall Davis

Public Information Officer

City of Martinsville

**Subject:** Martinsville Circuit Court, Declaration about Scott Albrecht in support of Declaration, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill

**From:** ROBERTA HILL <rbhill67@comcast.net>

**Date:** 2/13/2023, 3:58 PM

**To:** "Hon. Jean P. Nunn, Clerk of the Court" <jnunn@ci.martinsville.va.us>, Martinsville City Commonwealth's Attorney <ahall@ci.martinsville.va.us>, nsherman@ci.martinsville.va.us, "OAG Criminal Litigation (oagcriminallitigation@oag.state.va.us)" <oagcriminallitigation@oag.state.va.us>, "Coen, Chris" <cco@oag.state.va.us>, ehamilton@ci.martinsville.va.us, Judge Giles Carter Greer <cgreer@ci.martinsville.va.us>

**CC:** Ken & Stella Forinash <kenstella@comcast.net>, "kenstella2005@comcast.net" <kenstella2005@comcast.net>, "stanleybolten@justiceforuswgo.nl" <StanleyBolten@justiceforuswgo.nl>

Clerk of Circuit Court for the City of Martinsville;

CC: Glen Andrew Hall, Esquire.;

CC: Judge Greer,

I am Roberta Hill, Brian's mother. I am filing this "DECLARATION OF BRIAN DAVID HILL OF NEW EVIDENCE CONCERNING PUBLIC DEFENDER ASSISTANT SCOTT ALBRECHT IN SUPPORT OF MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS". It is all being filed through email to you on Brian's behalf due to his federal probation conditions where he is not allowed to use the internet. He is having me file this pleading on his behalf. My son is having me to serve the respondents through email as well and the certificate of service is at the end of the PDF file. This email to the Clerk with the Respondents in the email message headers prove to the Clerk that I had served the Respondents a copy of these pleadings, and may also be faxed as well by Brian D. Hill in the event that email may fail

Filings are attached:

**1. Declaration-Scott-Albrecht-2-13-2023.pdf:** - DECLARATION OF BRIAN DAVID HILL OF NEW EVIDENCE CONCERNING PUBLIC DEFENDER ASSISTANT SCOTT ALBRECHT IN SUPPORT OF MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS

**Brian wanted me to add this: Glen Andrew Hall has been caught, Operation Checkmate, Brian D. Hill started political exposing Operation Checkmate against his enemies like in a game of chess, not just exposing Chief Justice John Roberts of the U.S. Supreme Court. Operation Checkmate exposes the fraud and blackmail. Operation Checkmate exposes Scott Albrecht.**

To Clerk: Please confirm by read receipt or response message confirming that you have received this. Thank You!

Roberta Hill (representative for electronic filing)  
310 Forest Street, Apartment 1  
Martinsville, Virginia 24112

Declaration about Scott Albrecht in support of Declaration, case no. CR19000009-00, Circuit Court  
for the City of Martinsville  
Commonwealth of Virginia, City of Martinsville v. Brian David Hill

Defendant:  
Brian David Hill  
310 Forest Street, Apartment 2  
Martinsville, Virginia 24112

Thanks,  
Roberta

— Attachments: \_\_\_\_\_

Declaration-Scott-Albrecht-2-13-2023.pdf

359 KB

**VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE**

**COMMONWEALTH OF VIRGINIA,**  
**CITY OF MARTINSVILLE,**  
**PLAINTIFF(s),**

**v.**

**BRIAN DAVID HILL,**  
**DEFENDANT.**

CASE NO: CR19000009-00

**DECLARATION OF BRIAN DAVID HILL OF**  
**NEW EVIDENCE CONCERNING PUBLIC**  
**DEFENDER ASSISTANT SCOTT ALBRECHT IN**  
**SUPPORT OF MOTION FOR SET ASIDE OR**  
**RELIEVE DEFENDANT OF JUDGMENT OF**  
**CONVICTION OF CRIMINAL CHARGE**  
**PURSUANT TO VIRGINIA CODE § 8.01-428(D),**  
**VIRGINIA CODE § 8.01-428(A) AND VIRGINIA**  
**CODE § 8.01-428(B) ON THE BASIS OF FRAUD**  
**UPON THE COURT, CLERICAL FACTUAL**  
**ERRORS**

**DECLARATION OF BRIAN DAVID HILL OF NEW EVIDENCE CONCERNING PUBLIC**  
**DEFENDER ASSISTANT SCOTT ALBRECHT IN SUPPORT OF MOTION FOR SET**  
**ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL**  
**CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-**  
**428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE**  
**COURT, CLERICAL FACTUAL ERRORS**

Respectfully filed/submitted with the Court,

This the 13th day of February, 2023.



*Brian D. Hill*  
*Signed*

Brian D. Hill

Brian D. Hill  
Defendant

Former news reporter of U.S.W.G.O. Alternative News

Ally of Q

310 Forest Street, Apartment 2, Martinsville, Virginia 24112  
(276) 790-3505

**U.S.W.G.O.**

[JusticeForUSWGO.NL](http://JusticeForUSWGO.NL) or [JusticeForUSWGO.wordpress.com](http://JusticeForUSWGO.wordpress.com)

Pursuant to the Virginia Code § 8.01-4.3. “Unsworn declarations under penalty of perjury; penalty.”, criminal defendant Brian David Hill hereby state as follows to the Circuit Court for the City of Martinsville under penalty of perjury,

1. I am Brian David Hill, criminal defendant in this case. I am a party to this litigation. CASE NO: CR19000009-00. I had filed the “MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS” on January 26, 2023. This Declaration is based on recently discovered evidence.

2. On September 21, 2018, I was appointed a Public Defender by the General District Court due to being considered indigent which is also termed as In Foruma Pauperis in the Federal Court system. The Assistant Public Defender who represented me was Scott Albrecht. He had first met with me in Martinsville City Jail along with an assistant after the Public Defender was appointed, after I was arrested and was considered indigent.

3. Yesterday, my mother Roberta Hill was researching people to contact as I am considering filing a FOIA Lawsuit against Kendall Davis, Public Information Officer for the City of Martinsville, and against Martinsville Police Department. I am considering filing a FOIA lawsuit if no written response in a certain number of

days, or if my FOIA Request is refused even after me filing my addendum and declaration under penalty of perjury which is also an addendum to my original FOIA Request.

4. I am aware that Roberta found in the Staff Directory at the City of Martinsville website, just out of curiosity, an Assistant Commonwealth Attorney named Scott Albrecht. She shown this to me last night. The same name as the very attorney Scott Albrecht who was an Assistant Public Defender in the City of Martinsville, who represented me in General District Court and in the Circuit Court in my criminal case. I haven't yet confirmed whether this "Scott Albrecht" is the same Attorney Scott Albrecht who was supposed to represent me as my court appointed lawyer in 2018-2019, and if it is the same then I believe the Circuit Court would need to conduct an inquiry as to whether a conflict of interest exists in him assisting the Commonwealth Attorney Glen Andrew Hall who had prosecuted me after I was charged with a crime in this case, originally in the General District Court. See Rules of Professional Conduct 1.3, 1.6 and 1.7; see also *Holloway v. Arkansas*, 435 U.S. 475 (1978); *Dowell v. Commonwealth*, 3 Va. App. 555 (1987). I asked Roberta Hill to print out in PDF Format the Staff Directory webpage at: <https://www.martinsville-va.gov/Directory.aspx?did=25> and Wayback Machine archive at <http://web.archive.org/web/20230213050244/https://www.martinsville-va.gov/Directory.aspx?did=25> (text links/urls provided by Roberta Hill).

5. I hereby attach to this Declaration/unsworn-affidavit a true and correct printout of the web-link address at: <https://www.martinsville-va.gov/Directory.aspx?did=25>, 2 pages printout, of the Staff Directory • Martinsville, VA • CivicEngage. This is attached to this Declaration thereto.

6. I wasn't entirely trusting of Attorney Scott Albrecht because of past issues with court appointed lawyers in my Federal Case in the Middle District of North Carolina. In fact, I had gut feelings which led me to doing pro se things and filing things pro se. Including writing a letter in January 2019 and mailing a photocopy of the same to the Chief of Police requesting the body-camera footage.

7. While I was at Martinsville City Jail and I believe it was around sometime in November 2018, he spoke with me in the jail about him pushing to get the discovery including the photographs of me naked. He told me I was innocent and said that being naked is not illegal because I was not being obscene, that was why I later did case law research when I was in Western Virginia Regional Jail after I was found guilty in General District Court. Scott Albrecht told me that me and him would go over the photos together of me to see under the legal determination if I was aroused in the photos of me naked. Clearly there should have been review over all discovery evidence before the Trial on December 21, 2018. I do not recall ever going over the photos with him to see if we can make any determination. I do not remember, I am trying to remember and I cannot, I do not believe he and me ever



went over the discovery evidence before the Trial in the General District Court on December 21, 2018. The first time I saw the introduced evidence of the printouts of the photos of me in the nude by the Commonwealth Attorney Glen Andrew Hall was at the Trial in the General District Court. I had also filed a pleading in the General District Court about what me and Scott Albrecht talked about, about him telling me that I was innocent. I had filed it in the GD paperwork on November 29, 2018, filed by the Clerk of the General District Court. I did try to mail it out on November 26, 2018 from the jail where I was at the time, and it was filed by the Clerk on November 29, 2018, so technically it was filed on November 29, 2018.

8. There were funny things going on during the Trial in the General District Court. Like Scott Albrecht shown no case law about obscenity being required to have me found guilty of Virginia Code § 18.2-387. See *Romick v. Commonwealth*, Record No. 1580-12-4 (Va. Ct. App. Nov. 19, 2013), *Moses v. Commonwealth*, 45 Va. App. 357, 360, 611 S.E.2d 607, 608 (2005) (en banc), etc etc. He did read the statute of obscenity, and Glen Andy Hall did argue that the defendant “was not charged with obscenity”, I remember Andy Hall saying those words that I “was not charged with obscenity”. I remember him arguing those words. Later on, when I re-read the Arrest Warrant against me, it did charge me with intentionally making an obscene display. So, Mr. Hall was trying to argue a mis-argument in the General District Court. The judge heard me testify under penalty of perjury making

statements about the man wearing the hoodie. Scott Albrecht did ask the Officer Robert Jones if Brian approached anybody and that person screaming “oh my God!” and the officer admitted that I didn’t. Officer Jones’s testimony did support the fact that I was not obscene because in the totality of circumstances I was not trying to appeal to the prurient interest in sex. However, my family members who were present at my Trial watched Scott Albrecht as he argued my case and thought he was kind of letting Glen Andy Hall walk all over him and dominating the Trial proceeding. My mother told me the opinion about him letting Andy Hall kind of dominate the Trial, my grandparents thought he was not doing a good job as an attorney, so this Court may want to question Roberta Hill, Stella Forinash, and Kenneth Forinash. They thought he was kind of a poor lawyer meaning a lawyer who did a poor job defending me, that he wasn’t a good trial attorney.

8. After the judge found me guilty in General District Court, I whispered or said in a low voice to Attorney Scott Albrecht that I wanted him to appeal the decision and told him that I want to appeal it in fear that my supervised release would be violated. Then he said in response that: “your supervised release is already revoked”, and then I was taken away by the officers. I was upset at Scott Albrecht. This Court can also review over the “PUBLIC DEFENDER TIME SHEET”, and I believe it was filed in General District Court on December 21, 2018. It said the total number of hours he spent out of court was 1 hour, and the

time “In Court” was only 20 minutes. A very short Trial in the General District Court. He didn’t really spend a lot of time in the case according to his filed “PUBLIC DEFENDER TIME SHEET” in the General District Court. Scott Albrecht was a terrible lawyer and I had wondered why he was.

9. I am not sure if Scott Albrecht ever filed a notice of appeal, as I tried to get it mailed off my pro se notice of appeal the same day I was found guilty, that I had asked him to do verbally. In fact, the record of the General District Court shown that I had initiated a pro se written notice of appeal in the General District Court which would have brought the case to the Circuit Court, this very case itself, it was me who pushed a pro se written notice of appeal to the Circuit Court and then there was another notice of appeal form with the signature of Scott Albrecht who was supposed to do what I had asked him to do and appeal the decision. It seemed like me trying to file the appeal pro se caused him to have his signature in a form notice of appeal document as I see from the record. This attorney seemed sketchy to me, I didn’t 100% trust him and my trust meter started lowering after I had to file a written notice of appeal. Scott Albrecht told me I was innocent and did nothing illegal but I was found guilty by the judge, why??? I do believe he was right but he didn’t handle the case the right way and that made me skeptical about my own lawyer.

10. I will admit he did a great job getting me released on bond/bail conditions which I complied with to the letter. I will admit he did push for three court orders in my criminal case for discovery. However, he was deficit in any push for sanctions or enforcement. He never pushed to compel compliance with those court orders, even though he is supposed to be an officer of the court at those times. Albrecht never pushed for sanctions for destruction of evidence, and Matthew Scott Thomas Clark never pushed for sanctions for destruction of evidence. Albrecht never pushed for any inquiring into non-compliance with the very court orders he pushed for. He didn't do his duty as an officer of the Court, he pushed for court orders but when they were not being complied with because of no body-camera footage being turned over to defense counsel or I was never given any indication of ever receiving the body-camera footage or copy of the same.

11. Now it all makes sense. If the same Scott Albrecht who had represented me, if this is the same attorney who seems to be named as the Assistant Commonwealth's Attorney, then this makes me suspect collusion between the Commonwealth Attorney and defense attorney even more. When I had filed the Motion asking for relief over fraud on the court on January 26, 2023, I had suspicions that it was either Scott Albrecht had colluded with the Commonwealth Attorney over destruction of body-camera footage and not pushing for compliance with those very court orders he pushed for, either collusion or ineffective assistance

of counsel meaning my counsel did a terrible job as an attorney and was deficient. If this “Scott Albrecht” who is an Assistant Commonwealth Attorney to Glen Andrew Hall, Esq. the Commonwealth Attorney, if this is the same attorney who had represented me in the General District Court, then it all makes sense to me why I was found guilty as charged. The Trial was rigged in my opinion to have me found guilty with a rigged defense attorney; this can be proven now with all of the deficiencies of Scott Albrecht. If this is the same Scott Albrecht, then I have no choice but to inform the Circuit Court that my Trial in the General District Court, I feel it was rigged against me. When my own court appointed lawyer who did a terrible job defending me, I am found guilty, no enforcement of court orders not complied with by Glen Andrew Hall that he pushed for as my defense attorney, no asking for sanctions for noncompliance with those court orders, and then a “Scott Albrecht” works for the very same prosecuting attorney who prosecuted me at the Trial in the General District Court on December 21, 2018, with Scott Albrecht as my defense attorney.

12. I have a right to feel suspicious. Seeing the same name “Scott Albrecht” working for the other side in my case, working for Glen Andrew Hall aka Andy Hall the Commonwealth Attorney who is the prosecuting attorney for my case in General District Court and in the Circuit Court.

13. My suspicions are warranted here. The argument is this to the best of my opinion and belief under penalty of perjury. If my lawyer did such a terrible job as the Trial attorney in the General District Court, meaning he is not a very good lawyer, then why is he hired by the Commonwealth Attorney and paid by the Commonwealth Attorney or whatever as that name is clearly shown in the Staff Directory for the City of Martinsville??? I don't know when he was hired and why he was hired, and don't know if it is the same Scott Albrecht but the odds are very remote that it could be a different attorney named Scott Albrecht. The possibility that it may be a different Scott Albrecht who happens to be an attorney, working in Martinsville or for the Commonwealth Attorney in Martinsville. If he was such a poor lawyer who did a poor job at my case, then why was he named as an Assistant Commonwealth's Attorney??? That would make him a traitor. This is unethical, this is unprofessional, this is a conflict of interest if it wasn't already. That makes me suspicious that I felt that he definitely took part in defrauding the court as claims I had brought up in my filed Motion on January 26, 2023.

14. I feel that it is warranted for the Honorable Circuit Court to conduct an inquiry of Glen Andrew Hall, Esquire about his: "Assistant Commonwealth's Attorney" named "Scott Albrecht". This is definitely a conflict of interest in my opinion. Glen Andy Hall needs to file a letter with the Court stating under penalty of perjury that Scott Albrecht needs to recuse himself from the prosecution team

regarding this criminal case. That would be ethical to me. Scott Albrecht needs to recuse himself if it is the very same Scott Albrecht. I am concerned here, extremely concerned.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 13, 2023.



*Brian D. Hill*  
*Signed*

**Brian D. Hill**

Brian D. Hill  
Defendant

Former news reporter of U.S.W.G.O. Alternative News

Ally of Q

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

(276) 790-3505



[JusticeForUSWGO.NL](http://JusticeForUSWGO.NL) or [JusticeForUSWGO.wordpress.com](http://JusticeForUSWGO.wordpress.com)

### **CERTIFICATE OF SERVICE, CERTIFICATE OF FILING**

I hereby certify that a true and accurate copy of the foregoing Motion was  
emailed/transmitted by my Assistant Roberta Hill at [rbhill67@comcast.net](mailto:rbhill67@comcast.net) (due to  
Probation Conditions of not being allowed to use the Internet) to have delivered this  
Page **11** of **13**

(1) pleading and attachment of 2-page printout on the 13th day of February, 2023, to the following parties:

1. Commonwealth of Virginia
2. City of Martinsville

Again, by having representative Roberta Hill filing this pleading and attachment of 2-page printout on his behalf, filing with the Court, through email address [rbhill67@comcast.net](mailto:rbhill67@comcast.net), transmit a copy of this pleading to the following attorneys who represent the above parties to the case:

Glen Andrew Hall, Esq. Commonwealth Attorney's Office for the City of Martinsville 55 West Church Street P.O. Box 1311 Martinsville, Virginia 24114/24112 Attorney for the Commonwealth Phone: (276) 403-5470 Fax: (276) 403-5478 Email: <a href="mailto:ahall@ci.martinsville.va.us">ahall@ci.martinsville.va.us</a>	Hon. Jean P. Nunn, Clerk of the Court Circuit Court for the City of Martinsville Phone: 276-403-5106 Fax: 276-403-5232 55 West Church Street, Room 205 P.O. Box 1206 Martinsville, VA 24114 Email: <a href="mailto:jnunn@ci.martinsville.va.us">jnunn@ci.martinsville.va.us</a>
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The reason why Brian David Hill must use such a representative to serve such pleading with the Clerk on his behalf is because Brian is currently still under the conditions of Supervised Release for the U.S. District Court barring internet usage without permission. Brian's Probation Officer is aware of Roberta Hill using her email for conducting court business concerning Brian Hill or court business with the Probation Office in regards to Brian David Hill. Therefore, Roberta Hill is filing the pleading on Brian's behalf for official court business. Brian has authorized her to file the pleading.



All exhibits or any exhibits with anything printed from any internet-based service was printed and researched by Roberta Hill.

That should satisfy the Certificate of Service regarding letters/pleadings during the ongoing Covid-19 pandemic. If the Court wishes to contact the filer over any issues or concerns, please feel free to contact the filer Brian David Hill directly by telephone or by mailing. They can also contact c / o Roberta Hill at [rbhill67@comcast.net](mailto:rbhill67@comcast.net) and request that she forward the message and any documents or attachments to Brian David Hill to view offline for his review.

Brian D. Hill  
*Signed*

Brian D. Hill  
*Signed*

Brian D. Hill

Brian D. Hill

Defendant

Former news reporter of U.S.W.G.O. Alternative News

Ally of Q

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

(276) 790-3505

JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com

**U.S.W.G.O.**



**See the two-page attachment to this pleading:**

**Filename: Staff Directory • Martinsville, VA • CivicEngage.pdf**

Page 13 of 13

# Commonwealth's Attorney

[Directions](#)

**Physical Address:**

[View Map](#)

55 W Church Street  
Martinsville, VA 24112

**Mailing Address:**

P.O. Box 1311  
Martinsville, VA 24112

**Phone:**

276-403-5470

**Fax:**

276-403-5478

Link: [Commonwealth's Attorney's Office Page](#)

## Staff

**Name**

**Title**

[Albrecht, Scott](#)

Assistant Commonwealth's Attorney

[Finn, Patrick](#)

Assistant Commonwealth's Attorney

[Hall, G. Andrew](#)

Commonwealth's Attorney

[Herrero, Alberto Z.](#)

Deputy Commonwealth's Attorney

[Russell, Emily](#)

Assistant Commonwealth's Attorney

## Victim Witness Program

[Directions](#)

**Physical Address:**

[View Map](#)

55 W Church Street  
Room 14  
Martinsville, VA 24112

**Mailing Address:**

P.O. Box 1063  
Martinsville, VA 24112

**Phone:**

276-403-5467 or 276-403-5469

**Fax:**

276-403-5468

Link: [Victim Witness Program Page](#)**Staff**

<b>Name</b>	<b>Title</b>	<b>Email</b>
<a href="#">Laine, Joyce</a>	Victim/Witness Program Assistant Director	<a href="#">Email Joyce Laine</a>
<a href="#">Spangler, Vicky</a>	Victim / Witness Program Director	<a href="#">Email Vicky Spangler</a>

[Return to Staff Directory.](#)Government Websites by [CivicPlus®](#)

**Subject:** Martinsville Circuit Court, Status Letter regarding recent FOIA response from Police Chief and Short Summary, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill

**From:** ROBERTA HILL <rbhill67@comcast.net>

**Date:** 2/14/2023, 1:36 AM

**To:** "Hon. Jean P. Nunn, Clerk of the Court" <jnunn@ci.martinsville.va.us>, Martinsville City Commonwealth's Attorney <ahall@ci.martinsville.va.us>, nsherman@ci.martinsville.va.us, "OAG Criminal Litigation (oagcriminallitigation@oag.state.va.us)" <oagcriminallitigation@oag.state.va.us>, "Coen, Chris" <cco@oag.state.va.us>, ehamilton@ci.martinsville.va.us, Judge Giles Carter Greer <cgreer@ci.martinsville.va.us>

**CC:** Ken & Stella Forinash <kenstella@comcast.net>, "kenstella2005@comcast.net" <kenstella2005@comcast.net>, "stanleybolten@justiceforuswgo.nl" <StanleyBolten@justiceforuswgo.nl>

Clerk of Circuit Court for the City of Martinsville;

CC: Glen Andrew Hall, Esquire.;

CC: Judge Greer,

I am Roberta Hill, Brian's mother. I am filing this Status Letter regarding recent FOIA response from Police Chief by and through Kendall Davis the Public Information Officer, dated February 14, 2023 and Short Summary. It is all being filed through email to you on Brian's behalf due to his federal probation conditions where he is not allowed to use the internet. He is having me file this pleading on his behalf. My son is having me to serve the respondents through email as well. This email to the Clerk with the Respondents in the email message headers prove to the Clerk that I had served the Respondents a copy of these pleadings, and may also be faxed as well by Brian D. Hill in the event that email fails

My son wanted me to add a note to this filing to explain briefly what they are about: to Judge Greer and Glen A. Hall that he had proven Element 2 of his Statement of the facts and also proved fraud on the court because of the Feb. 10th letter with the statements from Rob Fincher, police chief. His claims had been proven with this letter from Kendall Davis.

Filings are attached:

- 1. StatusLetter-Judge2-14-2023.pdf:** - STATUS LETTER TO HONORABLE GILES CARTER GREER (JUDGE); CLERK OF MARTINSVILLE CIRCUIT COURT; Tuesday, February 14, 2023.
- 2. ShortSummary-2-14-2023.pdf:** SHORT SUMMARY OF WHAT WAS PROVEN AS TO FRAUD ON THE COURT; Prepared by Stella Forinash, edited and modified by Brian David Hill; Case no. CR19000009-00, For Martinsville Circuit Court; Date: February 14, 2023

To Clerk: Please confirm by read receipt or response message confirming that you have received this. Thank You!

Roberta Hill (representative for electronic filing)  
310 Forest Street, Apartment 1  
Martinsville, Virginia 24112

Status Letter regarding recent FOIA response from Police Chief and Short Summary, case no. CR19000009-00, Circuit Court for the City of Martinsville  
Commonwealth of Virginia, City of Martinsville v. Brian David Hill

Defendant:  
Brian David Hill  
310 Forest Street, Apartment 2  
Martinsville, Virginia 24112

Thanks,  
Roberta

— Attachments: —	
StatusLetter-Judge2-14-2023.pdf	2.3 MB
ShortSummary-2-14-2023.pdf	128 KB

**STATUS LETTER TO HONORABLE GILES CARTER GREER  
(JUDGE);  
CLERK OF MARTINSVILLE CIRCUIT COURT**

Tuesday, February 14, 2023

ATTN: Hon. Giles Carter Greer Presiding Judge Martinsville Circuit Court 55 W. Church Street Martinsville, VA 24114-1206 Phone: (276) 403-5106 Fax: (276) 403-5232 Email: <a href="mailto:cgreer@ci.martinsville.va.us">cgreer@ci.martinsville.va.us</a>	ATTN: Hon. Jean P. Nunn Clerk of the Court Martinsville Circuit Court 55 W. Church Street Martinsville, VA 24114-1206 Phone: (276) 403-5106 Fax: (276) 403-5232 Email: <a href="mailto:jnunn@ci.martinsville.va.us">jnunn@ci.martinsville.va.us</a>
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CC: Glen Andrew Hall, Esq. At [ahall@ci.martinsville.va.us](mailto:ahall@ci.martinsville.va.us) (City of Martinsville, Commonwealth of Virginia, Commonwealth's Attorney);

Hon. Giles Carter Greer (Judge) and Hon. Jeanie P. Nunn (Clerk),

I apologize for the amount of filings I been asking Roberta Hill to send to the Circuit Court electronically to file for me, but evidence is evidence, there is a lot of prima facie evidence to satisfy my burden of proof for proving fraud on the court which is believed to have been perpetuated on this Court's judicial machinery by Glen Andrew Hall, and I now have my final response to my FOIA Request since February 13, 2023. I will not need to file any FOIA lawsuit and have no need to ask any more FOIA questions at this time. I received the answers I need from a credible person from Martinsville Police Department, the Police Chief, and the evidence proves **Element 2** within the **Statement of the Facts** in support of my Motion on January 26, 2023.

The Clerk should also be in receipt of a pdf file named: **Brian Hill FOIA Request.pdf**, attached to an email from Kendall Davis, Public Information Officer, City of Martinsville, [kdavis@ci.martinsville.va.us](mailto:kdavis@ci.martinsville.va.us), (O)276-403-5379, (M)276-734-0164. This Court can contact him at any time or even the Police Chief for any further inquiry from this Honorable Circuit Court. Roberta

Hill forwarded that exact email with the attachment. Hopefully the Clerk is well in receipt of this pdf file and filed it in the record of the Circuit Court/Trial Court. Before I go any further in this letter.

At this point I have no more of a need to make any more filings until the Circuit Court makes a decision or orders me to appear before an Evidentiary Hearing or Inquiry Hearing or any hearing over the matters on my Motion for relief from judgment or setting aside judgment; the Motion which was filed on January 26, 2023.

I am sure you have already been emailed by Roberta Hill about a 3-page response to my FOIA Request dated January 20, 2023. The same FOIA Request letter filed as **Exhibit 12** in support of my Motion. See **EXHIBIT PAGE 202-209 OF 337, EXHIBIT 12, URGENT LETTER TO MARTINSVILLE POLICE DEPARTMENT AND CITY OF MARTINSVILLE – FOIA REQUEST and Fax Transmission Tickets**).

I have reviewed over the response letter and have taken the time to review over it. I asked Roberta Hill to forward the emails to both the Clerk and to yourself your Honor, the Honorable Judge Greer. I wanted to make sure you have the source email and the answer document. That is the answer by the current Police Chief of the Martinsville Police Department.

This answer document from the Chief of Police Rob Fincher proves that the Commonwealth Attorney Glen Andrew Hall and Attorney Scott Albrecht are both AT FAULT for unlawful destruction of the body-camera footage recorded by Officer Robert Jones of Martinsville Police Department, recorded on September 21, 2018.

The Police Chief said from what it sounded like in his response that they were supposed to be served with the legal documents of the lawsuit or be made aware of the lawsuit civil litigation or criminal litigation and that the body-camera footage is tied to that litigation as “evidence”, and was supposed to be marked as evidence so that it would not be deleted/spoliated indefinitely. It sounds to me like even though Robert Jones had filed the CRIMINAL COMPLAINT and ARREST WARRANT on September 21, 2018,

the Commonwealth Attorney did not designate the body-camera footage as evidence and there was no push to preserve that evidence either, despite the Court Orders which the body-camera is within the scope of those court orders. Two Court Orders were filed in the Martinsville judicial systems, before the deletion of the video file of the body-camera footage. It was not designated as evidence despite multiple letters being mailed to the former Police Chief G. E. Cassady. I am attaching what I found in my evidence box, I am attaching a photocopy of a “return receipt” and “certified mail receipt” and a photocopy of the typed letter mailed to Martinsville Police Department, to G. E. Cassady asking for the body-camera footage. See **EXHIBIT PAGE 240-242 OF 337, EXHIBIT 15.**

See attachment to this letter thereafter: **Photocopy of return receipt and certified mail receipt.pdf**: 6 pages (six pages) of evidence documentation. First 2 pages are photocopy of signed return receipt (front and back) and certified mail receipt. Next two pages is the typed letter, a true photocopy of the mailed letter, same as what was filed earlier in the Circuit Court record and in **EXHIBIT PAGE 240-242 OF 337, EXHIBIT 15.** Then the next page is the scanned photocopy of the envelope Stella and Kenneth Forinash had used for the mailing with that letter. The last page is my originally written letter from FCI-1 Butner, North Carolina to Police Chief G. E. Cassady, dated January 19, 2019, but it does say “For Jason McMurray”. That printed photocopy must have been a photocopy where I hand written on that photocopy who it was for. So I had tried to mail a copy to USPO Jason McMurray. So he was aware of my letter to G. E. Cassady too, I assume.

Anyways if you review over the filed: **“Brian Hill FOIA Request.pdf”** dated February 10, 2023, and was filed with the Clerk yesterday, on February 13, 2023, also a copy was emailed to yourself, the Honorable Judge Greer. When you review over what was said, it does prove the substance of my filed: **“MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS”.**



I shall copy and paste some of what was said in that letter:

See Page 2 of 3 of response letter from Police Chief:

#3 In the records logs, I see that two videos, one body camera and one in-car camera, that were labeled David Hill from that date were removed (deleted) by the DVMS system on 4/9/2019. Neither video was indicated as evidence, so unfortunately, we do not have either. If I had the videos, I would have no problem giving them to you but unfortunately, I do not.

This proves that Glen Andrew Hall had violated or not complied with two court orders since the deletion of evidence was done after those orders, and that non-compliance or violation carried over to the third court order for discovery. Your Honor, you can check your two court orders dated February 6, 2019 and July 15, 2019. Then there is also the General District Court's order dated November 28, 2018. All of those orders were not complied with by Glen Andrew Hall, Esquire, Commonwealth's Attorney in this case.

Also once a criminal case is filed, the body-camera footage was supposed to be marked as evidence according to Police Chief Rob Fincher. It was not marked as evidence, the Commonwealth Attorney did not do this, Glen Andrew Hall didn't properly ask the Police Department to preserve the footage. He is at fault here along with G. E. Cassady.

I had proven to this Court and to you, your Honor, that I had mailed two letters to former Police Chief G. E. Cassady. Stella and Kenneth Forinash mailed a typed version asking for body-camera footage in March 13th/mailed on March 14, 2019. The signed return receipt attached to this letter proved receipt.

That letter and return receipt, the photocopy of that typed letter was the last mailing on March 14, 2019 sent to Martinsville Police Department or to Police Chief G. E. Cassady of Martinsville Police Department before the destruction of the body-camera footage on April 9, 2019. It was destroyed by deletion.

I refer back to Page 26 of the MOTION pending before your Court: See **Element 2: The Plaintiffs were ordered three separate times by two Courts in total (General District Court, Circuit Court) including this Court to have provided discovery evidence to the Defendant and/or to his court appointed attorney which includes any recorded statement of the Defendant made to law enforcement concerning the criminal charge; instead the Plaintiffs' had destroyed the discovery evidence of the police body-camera footage during the pendency of the criminal trial proceedings and litigation, then they demand a jury trial despite knowing that they destroyed evidence favorable to the Defendant in violation of three separate court orders which is CONTEMPT OF COURT; ..... 26.**

The body-camera footage should have never been deleted “by the DVMS system on 4/9/2019”. April 9, 2019. The Commonwealth Attorney was fully made aware by the Court two different times for Orders for Discovery prior to the evidence being deleted which falls within the scope of what was defined in those court orders; which is unlawful spoliation of evidence, and on the third order dated July 15, 2019.

The Police Chief is a credible witness and whoever he asked to look through the records of Martinsville Police Department. This credible witness has responded with very credible information. Proving that the body-camera **footage was deleted without being MARKED AS EVIDENCE, on April 9, 2019** while I was still in federal custody at the Federal Correctional Institution 1 in Butner, North Carolina.

**This proves Element 2 of the Statement of the Facts within my filed Motion on January 26, 2023.** This proves my claims beyond a reasonable doubt, prima facie evidence.

Since Element 2 has been satisfied, I ask you, your Honor, that you permit me to establish a Fact of an adverse inference meaning that I am permitted to establish a fact which I believe would have been proven with the spoliation of evidence purposefully by the Commonwealth's Attorney Glen Andrew Hall.

I shall cite the very adverse inference I would like the Circuit Court to adopt as a fact with the spoliation of the body-camera footage proven

through unlawful destruction of the material evidence within the scope of the Circuit Court order dated February 6, 2019 and July 15, 2019.

I shall copy and paste some of what was said in that letter:  
See Page 38-39 of 107 of MOTION filed January 26, 2023; Motion-Circuit-Court1-26-2023.pdf:

**Proffered adverse Inference:** Defendant asserts under adverse inference that the destroyed police body-camera footage would have proven that the Defendant was intoxicated, was dehydrated, and/or had exhibited behaviors which may be an indication of being intoxicated during the questioning of Brian David Hill as to why he was naked. That evidence which was destroyed would have shown Defendant being intoxicated or not in his right state of mind when Officer Robert Jones had spoken with the Defendant during the activation of his body-camera on his person, on his uniform. The body-cam footage would have shown footage not favorable to the Martinsville Police Department in how they handled the situation of a person with medical issues including a neurological disability of autism spectrum disorder and Type 1 brittle diabetes. That is what the Defendant is proffering to this Court as a fact of an adverse inference. Defendant is entitled to an adverse inference when the Plaintiffs had not complied with three court orders for discovery evidence materials and had destroyed evidence subject to those three court orders.

If this Circuit Court does adopt my proffered fact through an adverse inference due to the unlawful destruction of evidence within the scope of the multiple court orders, then I ask that the Honorable Circuit Court go ahead and establish the fact in my Statement of the Facts that “*the destroyed police body-camera footage would have proven that the Defendant was intoxicated, was dehydrated, and/or had exhibited behaviors which may be an indication of being intoxicated during the questioning of Brian David Hill as to why he was naked. That evidence which was destroyed would have shown Defendant being intoxicated or not in his right state of mind when Officer Robert Jones had spoken with the Defendant during the activation of his body-camera on his person, on his uniform.*”

The Honorable Court now has prima facie evidence/proof of **Element 2**

of the Statement of the Facts on the issue of fraud on the court by proving **Element 2**. See page 38-39 of 107 of MOTION filed January 26, 2023; Motion-Circuit-Court1-26-2023.pdf.

The response by the new Police Chief Rob Fincher shows that evidence was deleted/spoliation after a criminal case litigation, and that was not supposed to happen according to the Police Chief. The fault is within the Commonwealth Attorney Office and former Police Chief G. E. Cassady who was notified in writing three separate times. Two court orders, and the third court order after the destruction of the body-camera footage. The fault entirely would also include Scott Albrecht, Glen Andrew Hall, and former Police Chief G. E. Cassady. All three are at fault for the spoliation of evidence. I had proven that before this Court. Have I not proven this fact???

Stella Forinash prepared a Microsoft Word draft file in .docx format of what was originally called a diagram draft page of a short summary of different issues concerning fraud on the court, the different issues in the criminal case showing a shaky or fraudulent foundation of the very criminal charge. I have decided to entitle it a **SHORT SUMMARY OF WHAT WAS PROVEN AS TO FRAUD ON THE COURT**; Prepared by Stella Forinash, edited and modified by Brian David Hill. This is a short summary, a few pages explaining in a nutshell the various issues of fraud which constituted a fraud upon the court by the Commonwealth's Attorney. It isn't just unlawful destruction of the body-camera footage, it wasn't just non-compliance with court orders. It is also about the police quickly charging Brian David Hill within a few hours or less on very shaky grounds without even a thorough investigation, and never verifying whether or not Brian David Hill was in fact medically and psychologically cleared when charged. All elements have been proven and satisfied to the satisfaction of this Honorable Circuit Court.

Brian David Hill = Innocence, because I am innocent, I can never be convicted of my charge on September 21, 2018, and should not be as it stands with the prima facie evidence and facts which had been laid out since **MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA**

CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS. I have satisfied the burden of proof.

If the Circuit court still is not convinced that I have satisfied the burden of proof necessary of my motion for relief being granted, this Court is free to order an evidentiary hearing or mail interrogatories to the witnesses, and ask the Police Chief about the evidence deletion in 2019. This Court should conduct an inquiry on all of the issues in the filed Motion.

Then there is new evidence about Scott Albrecht which this Court has a duty to conduct an inquiry to determine if a conflict of interest did exist or exists right now regarding Scott Albrecht working for the prosecution after representing the very same criminal defendant. At least he should recuse himself from any involvement with Brian Hill's cases from the prosecution side since this same attorney had represented Brian Hill prior to being hired by the Commonwealth's Attorney Glen Andrew Hall.

Thank you for your time and attention to this matter.

Where We Go One We Go All (WWG1WGA), Nothing Can Stop What Is Coming (NCSWIC).

  
Signed

Brian D. Hill

God bless you,  
Brian D. Hill  
Defendant

Ally of Q, Former news reporter of U.S.W.G.O. Alternative News  
310 Forest Street, Apartment 2  
Martinsville, Virginia 24112  
(276) 790-3505

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**U.S.W.G.O.**



## SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

GE CASSADY CHIEF OF POLICE  
55 WEST CHURCH ST  
MARTINSVILLE, VA 24112



9590 9402 3915 8060 4856 85

## 2. Article Number (Transfer from service label)

7018 1830 0001 9309 1586

## COMPLETE THIS SECTION ON DELIVERY

## A. Signature

X

☐ Agent☐ Addressee

## B. Received by (Printed Name)

## C. Date of Delivery

3/18/19

## D. Is delivery address different from item 1?

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PS Form 3811, July 2015 PSN 7530-02-000-9053

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MARTINSVILLE, VA 24112

Certified Mail Fee \$3.50

\$2.80

Extra Services &amp; Fees (check box, add fee \$0.00 (Printed))

☐ Return Receipt (hardcopy) \$0.00☐ Return Receipt (electronic) \$0.00☐ Certified Mail Restricted Delivery \$0.00☐ Adult Signature Required \$0.00☐ Adult Signature Restricted Delivery \$0.00

Postage \$1.30

\$

Total Postage and Fees \$7.60

\$

Sent To GE CASSADY - CHIEF OF POLICE

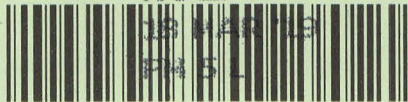
Street and Apt. No., or PO Box No. 55 WEST CHURCH ST

City, State, ZIP+4® MARTINSVILLE, VA 24112

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



USPS TRACKING#



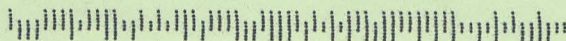
First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

9590 9402 3915 8060 4856 85

United States  
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

KEN & STELLA KORINASH  
916 CHALMERS ST, APT A  
MARTINSVILLE, VA 24112



U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT

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For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

MARTINSVILLE, VA 24112

Certified Mail Fee	\$3.50
Extra Services & Fees (check box, add fee \$ (per fee rate))	\$2.80
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$1.30
Total Postage and Fees	\$7.60



Sent To  
CC CASSADY - CHIEF OF POLICE  
Street and Apt. No., or PO Box No.  
55 WEST CHURCH ST  
City, State, ZIP+4®  
MARTINSVILLE, VA 24112

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions



January 19, 2019 (Typed letter March 13, 2019)

Dear Chief of Police of Martinsville Police Dept: G. Edward Cassady

CC: Commonwealth Attorney, Case no C18-3138,

55 West Church Street Municipal Building Martinsville, VA 24112

Martinsville Circuit Court case Discovery Request

Under Virginia Code in regards to discovery requirements for misdemeanor and felony trials in the Commonwealth of Virginia, Brady v Maryland, Giglio v U.S., Brian Hill hereby requests a copy of Police-Camera footage presumably recorded by Sgt. R.D. Jones of Martinsville Police Department between the times of 3:00AM and 4:00AM, September 20, 2018, where I gave statements about the man wearing the hoodie, who had threatened to kill my mother Roberta Hill on the late night of September 20, 2018. Please turn over that Police body camera footage recording evidence copy to my Attorney Scott Albrecht of the Martinsville Public Defender Office, As Soon As Possible. Thank you for your service.

My Respects,

Brian D. Hill (Signed)

Dated January 19, 2019

P.S. Brian Hill has Autism Spectrum Disorder in DMV handicap placard records

Brian David Hill #29947-057 Federal Correctional Institution 1  
Old NC Hwy 75; P.O. Box 1000 Butner, NC 27509  
JusticeForUSWGO.wordpress.com USWGO

(Letter 1)



**Copy of note mailed with letter dated January 19, 2019**

**Chief of Police and Commonwealth Attorney in Martinsville,  
VA,**

**Please acknowledge receipt of letters. Please write response.**

**Thank you**

**Brian D. Hill**

**God bless you!**

**Note: In a week of no response, I will assume that it was lost and mail another copy. Thanks.**

**Note from Brian's grandparents. Brian wrote this on January 19, 2019 and January, 20, 2019. He received no response, He sent it again and received no response a week later. After waiting almost two months, his grandparents will have to go to the post office and send this out return receipt requested. You also should know that Brian has been on disability since the age of 19 months; has brittle diabetes requiring insulin shots, has seizures, autism, anxiety and OCD. His actions that night were not normal. He was a victim who was arrested and sent to jail by the police who are supposed to protect its citizens and disabled. Brian's mom and grandparents were at the trial and noticed the prosecuting attorney making derogatory comments and making fun of this disabled citizen of Martinsville in front of his family and many other people in the court room.**

KEN & STELLA FORINASH  
916 CHALMERS ST, APT A  
MARTINSVILLE, VA 24112

G. E. CASSADY, CHIEF OF POLICE  
MARTINSVILLE POLICE DEPARTMENT  
55 WEST CHURCH ST.  
MARTINSVILLE, VA 24112



Dear Chief of Police of Martinsville Police Dept,  
CC: Commonwealth Attorney, Case no. C18-3138,  
55 West Church Street, For Jason McMurray  
Municipal Building,  
Martinsville, VA 24112, Martinsville Circuit Court case  
Discovery Request

Under Virginia Code in regards to discovery requirements for misdemeanor and felony trials in the Commonwealth of Virginia, Brady v. Maryland, Giglio v. U.S., Brian David Hill hereby requests a copy of Police Body-Camera footage presumably recorded by Sgt. R.D. Jones of Martinsville Police Department between the times of 3:00AM and 4:00AM, September ~~20~~ 21, 2018, where I gave statements about the man wearing the hoodie who had threatened to kill my mother Roberta Hill on the late night of September 20, 2018. Please turn over that Police body camera footage recording evidence copy to my Attorney Scott Albrecht of the Martinsville Public Defender Office, As Soon As Possible. Thank You for your service.

My Respects,

Brian D. Hill

Signed

Dated January 19, 2019.

P.S. Brian Hill has Autism  
Spectrum Disorder in DMV  
handicap placard records.

Brian David Hill #29947-057  
Federal Correctional Institution 1  
Old NC Hwy 75; P.O. Box 1000  
Butner, N.C. 27509  
JusticeForUSWGO.wordpress.com  
U.S.W.G.O.

## **SHORT SUMMARY OF WHAT WAS PROVEN AS TO FRAUD ON THE COURT**

**Prepared by Stella Forinash, edited and modified by Brian David Hill**

**Case no. CR19000009-00, For Martinsville Circuit Court; Date: February 14, 2023**

1. Chimney people deny putting tin instead of screen on chimney causing carbon monoxide to go inside our home because no where for gas to escape 11 months (Oct. 2017) before my arrest. Denied coming to the house. Phone call logs/records & canceled check proves they did come and got paid. **See EXHIBIT APPENDIX VOLUME I OF II (Pages 1 – 532) IN SUPPORT OF MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED UPON NEW EVIDENCE OF SUSPECT JACODY CASSELL OF BUSINESS ENTITY: THE CHIMNEY SWEEP WHO CAUSED CARBON MONOXIDE POISONING INTOXICATION OF CRIMINAL DEFENDANT WARRANTING NEW TRIAL OR ACQUITTAL, filed on September 6, 2022.**
2. Court appointed lawyer never introduces or pushes as evidence in the Court the expert testimony from the chimney expert who found the tin 3 months after my arrest (Jan. 2019) and immediately removed it explaining that the damage inside our home was caused by carbon monoxide coming from our natural gas hot water heater & natural gas boiler furnace into the house – nowhere else to escape. **See EXHIBIT APPENDIX PG. 18 OF 532 of EXHIBIT APPENDIX VOLUME I OF II (Pages 1 – 532) IN SUPPORT OF MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED UPON NEW EVIDENCE OF SUSPECT JACODY CASSELL OF BUSINESS ENTITY: THE CHIMNEY SWEEP WHO CAUSED CARBON MONOXIDE POISONING INTOXICATION OF CRIMINAL DEFENDANT WARRANTING NEW TRIAL OR ACQUITTAL, filed on September 6, 2022.**
3. Doctor at hospital does not test the blood sugar from a type 1 brittle diabetic (Sept 2018) who was out walking for miles & hours in the middle of the night wearing no clothes. It is on hospital records that I am a type 1 diabetic (take insulin) with seizure history when glucose goes low; have autism & OCD. **See EXHIBIT PAGE 253-260 OF 337 of EXHIBITS 1-25 attached to: “MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS”**
4. They do other blood work, charge Medicaid for the blood work, then destroy the blood work without any result per hospital & Medicaid billing records. **See EXHIBIT PAGE 260 OF 337, EXHIBIT PAGE 88-91 OF 337, and EXHIBIT PAGE 248-249 OF 337 of EXHIBITS 1-25 attached to: “MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS”.**
5. I requested body camera footage, my family requested body camera footage, court appointed attorney requested body camera footage, court requested body camera footage. No one follows through. I discovered on 2-13-2023 body cam was not marked as evidence and destroyed after these entire request for it. **See pleading: Brian Hill FOIA Request.pdf,**

**Letter from Kendall David, Public Information Officer of City of Martinsville, filed with Clerk on February 13, 2023.**

6. Police who arrested me admits in court that I told him that I had autism. Also admits in court that after years of being a police officer, he has very little training in autism. Autism, type 1 (insulin dependent) diabetes and OCD are all covered under the Americans with Disabilities Act. I have medical proof from 1994 and from 2019-2023 that I have all 3 disabilities plus more. **See EXHIBIT PAGE 39-40 OF 337 of EXHIBITS 1-25 attached to: "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS".**
7. Police who did the arrest admits in court he was not aware that I was a type 1 diabetic and have OCD. **Again, see EXHIBIT PAGE 39-40 OF 337 of EXHIBITS 1-25.**
8. Court appointed attorney does not give my full mental history around the time of the alleged crime to the one doing the mental evaluation. It is very clear on the records of the Piedmont Community Services that I was diagnosed (Explained by whom, date & the diagnosis). **See EXHIBIT INDEX PAGE 164-170 OF 317, EXHIBIT 19: Mental health medical records from Piedmont Community Services, concerning Dr. Conrad Daum patient visit on October 24, 2018 for attached to: "MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED UPON NEW EVIDENCE WHICH DISPROVES THE ELEMENTS OF CHARGED CRIME BY PROSECUTION, EVIDENCE WARRANTING NEW TRIAL OR ACQUITTAL" by Brian David Hill. Filed with Clerk on August 31, 2022.**
9. Police did not investigate, just arrest. I was put in jail and punished due to a Medical emergency in the middle of the night while my caregiver and family were asleep. **See Element 1 in Statement of the Facts, Pages 22-36 of 107 in MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS.**
10. Medical records – tachycardia (meaning resting blood pulse is over 100 which is abnormally high, indication of possibly a serious medical issue)- given oxygen – written on hospital records to see my doctor the next morning for more test. All of this ignored by police & court. **See Pages 56-57 of 107 in MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS**
11. Former Assistant Public Defender Scott Albrecht does absolutely nothing to compel compliance with Court Orders for the discovery evidence materials directly material to the charged crime. Material evidence was deleted/destroyed by Martinsville Police Department not knowing that the destroyed evidence should have been marked as evidence because prosecuting Attorney Glen Andrew Hall and Scott Albrecht both didn't do anything despite the court orders for discovery. Both failed as officers of the court to do their duty and wasted the court's time by allowing destruction of evidence and allowing non-compliance with Court Orders. **See pleading: Brian Hill FOIA Request.pdf, Letter**



from Kendall David, Public Information Officer of City of Martinsville, filed with Clerk on February 13, 2023.

12. In 2023, it is discovered that a lawyer named "Scott Albrecht" has been found to be an Assistant Commonwealth's Attorney according to a printout from Staff Directory of the City of Martinsville, a local government website. Same name as the Assistant Public Defender Scott Albrecht who represented me, Brian David Hill, since the Public Defender was appointed as my counsel of record. See recently filed "DECLARATION OF BRIAN DAVID HILL OF NEW EVIDENCE CONCERNING PUBLIC DEFENDER ASSISTANT SCOTT ALBRECHT IN SUPPORT OF MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS", filed on February 13, 2023.

■ Respectfully filed with the Honorable Circuit Court, on February 14, 2023.

  
Signed  
Brian D. Hill



Brian D. Hill  
Defendant  
Former news reporter of U.S.W.G.O. Alternative News  
Ally of Q  
310 Forest Street, Apartment 2  
Martinsville, Virginia 24112  
(276) 790-3505



[JusticeForUSWGO.NL](http://JusticeForUSWGO.NL) or [JusticeForUSWGO.wordpress.com](http://JusticeForUSWGO.wordpress.com)

#### CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Pleading was transmitted, to the office of Glen Andrew Hall, Martinsville Commonwealth's Attorney, 55 W. Church Street, Martinsville, Virginia 24112, Email: [ahall@ci.martinsville.va.us](mailto:ahall@ci.martinsville.va.us), on this 14th day of February, 2023.

  
Signed  
Brian D. Hill

Brian D. Hill  
Defendant

**Subject:** complete record request day?

**From:** ROBERTA HILL <rbhill67@comcast.net>

**Date:** 2/14/2023, 1:48 AM

**To:** "Hon. Jean P. Nunn, Clerk of the Court" <jnunn@ci.martinsville.va.us>, "cavbriefs@vacourts.gov" <cavbriefs@vacourts.gov>

**CC:** Ken & Stella Forinash <kenstella@comcast.net>, "kenstella2005@comcast.net" <kenstella2005@comcast.net>, "stanleybolten@justiceforuswgo.nl" <stanleybolten@justiceforuswgo.nl>

Hon. Jean P. Nunn, Clerk of the Court for the City of Martinsville,  
Re: case no. CR19000009-00,

Brian wanted me to ask you what day you plan on transmitting the entire record to the Court of Appeals of Virginia for his two more recent appeals. Brian called last Friday and was told over the phone by a deputy clerk that the entire record would be transmitted sometime this week. He has until March 6, 2023 to file an appeal brief and had asked the CAV for the entire record since the ones transmitted on December 13, 2022 by Hon. Ashby R. Pritchett were only 55 pages and didn't include everything. Brian is ready to start working on his appeal briefs once the complete record is transmitted. Thank you.

*Note: Brian wanted me to inform you that he no longer feels like he needs to file anything more regarding his fraud on the court motion at this time until the Judge makes a decision. Brian says he doesn't want to file too much, and will file an update only if necessary such as if new evidence is discovered like the letter from the Police Chief proving his claims in his motion. At this point Brian will focus on his appeal briefs now that he had proven the merits. That's what he wanted me to let you know.*

Roberta Hill (representative for electronic filing)  
310 Forest Street, Apartment 1  
Martinsville, Virginia 24112

Defendant:  
Brian David Hill  
310 Forest Street, Apartment 2  
Martinsville, Virginia 24112

Thanks,  
Roberta

**Subject:** RE: complete record request day?

**From:** Jeanie Nunn <JNUNN@ci.martinsville.va.us>

**Date:** 2/14/2023, 8:42 AM

**To:** ROBERTA HILL <rbhill67@comcast.net>

We will submit the entire file today.

Thank you,

JEANIE

**JEAN P. NUNN**, Clerk of Court

Martinsville Circuit Court Clerk's Office

(276-403-5251)

---

**From:** ROBERTA HILL <rbhill67@comcast.net>

**Sent:** Tuesday, February 14, 2023 1:48 AM

**To:** Jeanie Nunn <JNUNN@ci.martinsville.va.us>; cavbriefs@vacourts.gov

**Cc:** Ken & Stella Forinash <kenstella@comcast.net>; kenstella2005@comcast.net; stanleybolten@justiceforuswgo.nl

**Subject:** complete record request day?

**Importance:** High

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Do not click links or open attachments unless you recognize the sender and know the content is safe.

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Re: case no. CR19000009-00,

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Roberta Hill (representative for electronic filing)

310 Forest Street, Apartment 1

Martinsville, Virginia 24112

Defendant:



Brian David Hill  
310 Forest Street, Apartment 2  
Martinsville, Virginia 24112

Thanks,  
Roberta

**Subject:** Re: Martinsville Circuit Court, Declaration about Scott Albrecht in support of Declaration, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill  
**From:** ROBERTA HILL <rbhill67@comcast.net>  
**Date:** 2/14/2023, 5:56 PM  
**To:** "Hon. Jean P. Nunn, Clerk of the Court" <jnunn@ci.martinsville.va.us>

Was this filed?

Thanks,  
Roberta Hill

On 2/13/2023 3:58 PM, ROBERTA HILL wrote:

Clerk of Circuit Court for the City of Martinsville;  
CC: Glen Andrew Hall, Esquire.;  
CC: Judge Greer,

I am Roberta Hill, Brian's mother. I am filing this "DECLARATION OF BRIAN DAVID HILL OF NEW EVIDENCE CONCERNING PUBLIC DEFENDER ASSISTANT SCOTT ALBRECHT IN SUPPORT OF MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS". It is all being filed through email to you on Brian's behalf due to his federal probation conditions where he is not allowed to use the internet. He is having me file this pleading on his behalf. My son is having me to serve the respondents through email as well and the certificate of service is at the end of the PDF file. This email to the Clerk with the Respondents in the email message headers prove to the Clerk that I had served the Respondents a copy of these pleadings, and may also be faxed as well by Brian D. Hill in the event that email may fail

Filings are attached:

**1. Declaration-Scott-Albrecht-2-13-2023.pdf:** - DECLARATION OF BRIAN DAVID HILL OF NEW EVIDENCE CONCERNING PUBLIC DEFENDER ASSISTANT SCOTT ALBRECHT IN SUPPORT OF MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS

**Brian wanted me to add this: Glen Andrew Hall has been caught, Operation Checkmate, Brian D. Hill started political exposing Operation Checkmate against his enemies like in a game of chess, not just exposing Chief Justice John Roberts of the U.S. Supreme Court. Operation Checkmate exposes the fraud and blackmail. Operation Checkmate exposes Scott Albrecht.**

To Clerk: Please confirm by read receipt or response message confirming that you have received this. Thank You!

Roberta Hill (representative for electronic filing)  
310 Forest Street, Apartment 1

Martinsville, Virginia 24112

Declaration about Scott Albrecht in support of Declaration, case no. CR19000009-00, Circuit Court for the City of Martinsville  
Commonwealth of Virginia, City of Martinsville v. Brian David Hill

Defendant:

Brian David Hill

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

Thanks,  
Roberta

**Subject:** RE: Martinsville Circuit Court, Declaration about Scott Albrecht in support of Declaration, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill  
**From:** Jeanie Nunn <JNUNN@ci.martinsville.va.us>  
**Date:** 2/15/2023, 11:19 AM  
**To:** ROBERTA HILL <rbhill67@comcast.net>

I don't show any email that has this information delivered on Feb 13. Please submit the email you sent me that had this attachment.

Thanks,

*JEANIE*

**JEAN P. NUNN**, Clerk of Court  
Martinsville Circuit Court Clerk's Office  
(276-403-5251)

---

**From:** ROBERTA HILL <rbhill67@comcast.net>  
**Sent:** Tuesday, February 14, 2023 5:57 PM  
**To:** Jeanie Nunn <JNUNN@ci.martinsville.va.us>  
**Subject:** Re: Martinsville Circuit Court, Declaration about Scott Albrecht in support of Declaration, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill  
**Importance:** High

**CAUTION:** This email originated outside the City of Martinsville's email system.

Do not click links or open attachments unless you recognize the sender and know the content is safe.

Was this filed?

Thanks,  
Roberta Hill

On 2/13/2023 3:58 PM, ROBERTA HILL wrote:

Clerk of Circuit Court for the City of Martinsville;  
CC: Glen Andrew Hall, Esquire.;  
CC: Judge Greer,

I am Roberta Hill, Brian's mother. I am filing this "DECLARATION OF BRIAN DAVID HILL OF NEW EVIDENCE CONCERNING PUBLIC DEFENDER ASSISTANT SCOTT ALBRECHT IN SUPPORT OF MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS". It is all being filed through email to you on Brian's behalf due to his federal probation conditions where he is not allowed to use the internet. He is having me file this pleading on his behalf. My son is having me to serve the respondents through email as well and the certificate of service is at the end of the PDF file. This email to the Clerk

with the Respondents in the email message headers prove to the Clerk that I had served the Respondents a copy of these pleadings, and may also be faxed as well by Brian D. Hill in the event that email may fail

Filings are attached:

**1. Declaration-Scott-Albrecht-2-13-2023.pdf:** - DECLARATION OF BRIAN DAVID HILL OF NEW EVIDENCE CONCERNING PUBLIC DEFENDER ASSISTANT SCOTT ALBRECHT IN SUPPORT OF MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS

**Brian wanted me to add this: Glen Andrew Hall has been caught, Operation Checkmate, Brian D. Hill started political exposing Operation Checkmate against his enemies like in a game of chess, not just exposing Chief Justice John Roberts of the U.S. Supreme Court. Operation Checkmate exposes the fraud and blackmail. Operation Checkmate exposes Scott Albrecht.**

To Clerk: Please confirm by read receipt or response message confirming that you have received this. Thank You!

Roberta Hill (representative for electronic filing)  
310 Forest Street, Apartment 1  
Martinsville, Virginia 24112

Declaration about Scott Albrecht in support of Declaration, case no. CR19000009-00,  
Circuit Court for the City of Martinsville  
Commonwealth of Virginia, City of Martinsville v. Brian David Hill

Defendant:  
Brian David Hill  
310 Forest Street, Apartment 2  
Martinsville, Virginia 24112

Thanks,  
Roberta

**Subject:** RE: Martinsville Circuit Court, Status Letter regarding recent FOIA response from Police Chief and Short Summary, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill  
**From:** Jeanie Nunn <JNUNN@ci.martinsville.va.us>  
**Date:** 2/15/2023, 11:20 AM  
**To:** ROBERTA HILL <rbhill67@comcast.net>

I can't answer for any emails delivered to the Court-Judge and can't verify any receipt on behalf of Judge Greer.

JEANIE

**JEAN P. NUNN**, Clerk of Court  
Martinsville Circuit Court Clerk's Office  
(276-403-5251)

---

**From:** ROBERTA HILL <rbhill67@comcast.net>  
**Sent:** Tuesday, February 14, 2023 11:28 PM  
**To:** Jeanie Nunn <JNUNN@ci.martinsville.va.us>  
**Cc:** Ken & Stella Forinash <kenstella@comcast.net>; kenstella2005@comcast.net  
**Subject:** Re: Martinsville Circuit Court, Status Letter regarding recent FOIA response from Police Chief and Short Summary, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill  
**Importance:** High

**CAUTION:** This email originated outside the City of Martinsville's email system.

Do not click links or open attachments unless you recognize the sender and know the content is safe.

Does the Court have the Short Summary and the Status letter to Judge Greer?

Does Judge Greer have receipt?

Thank you,  
Roberta

On 2/14/2023 1:36 AM, ROBERTA HILL wrote:

Clerk of Circuit Court for the City of Martinsville;  
CC: Glen Andrew Hall, Esquire.;  
CC: Judge Greer,

I am Roberta Hill, Brian's mother. I am filing this Status Letter regarding recent FOIA response from Police Chief by and through Kendall Davis the Public Information Officer, dated February 14, 2023 and Short Summary. It is all being filed through email to you on Brian's behalf due to his federal probation conditions where he is not allowed to use the internet. He is having me file this pleading on his behalf. My son is having me to serve the respondents through email as well. This email to the Clerk with the Respondents in the email message headers prove to the Clerk that I had served the Respondents a copy of these pleadings, and may also be faxed as well by Brian D. Hill in the event that email fails

My son wanted me to add a note to this filing to explain briefly what they are about: to Judge Greer and Glen A. Hall that he had proven Element 2 of his Statement of the facts and also proved fraud on the court because of the Feb. 10th letter with the statements from Rob Fincher, police chief. His claims had been proven with this letter from Kendall Davis.

Filings are attached:

**1. StatusLetter-Judge2-14-2023.pdf:** - STATUS LETTER TO HONORABLE GILES CARTER GREER (JUDGE); CLERK OF MARTINSVILLE CIRCUIT COURT; Tuesday, February 14, 2023.

**2. ShortSummary-2-14-2023.pdf:** SHORT SUMMARY OF WHAT WAS PROVEN AS TO FRAUD ON THE COURT; Prepared by Stella Forinash, edited and modified by Brian David Hill; Case no. CR19000009-00, For Martinsville Circuit Court; Date: February 14, 2023

To Clerk: Please confirm by read receipt or response message confirming that you have received this. Thank You!

Roberta Hill (representative for electronic filing)  
310 Forest Street, Apartment 1  
Martinsville, Virginia 24112

Status Letter regarding recent FOIA response from Police Chief and Short Summary, case no. CR19000009-00, Circuit Court for the City of Martinsville  
Commonwealth of Virginia, City of Martinsville v. Brian David Hill

Defendant:  
Brian David Hill  
310 Forest Street, Apartment 2  
Martinsville, Virginia 24112

Thanks,  
Roberta

**Subject:** RE: Martinsville Circuit Court, Declaration about Scott Albrecht in support of Declaration, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill  
**From:** Jeanie Nunn <JNUNN@ci.martinsville.va.us>  
**Date:** 2/15/2023, 12:25 PM  
**To:** ROBERTA HILL <rbhill67@comcast.net>

Ms. Hill:

I don't know what happened but I didn't receive the email, however, I inquired to another deputy in the office that is on your email list and she received the document. I have scanned the Declaration-Scott Albrecht into his filed and it will be forwarded as well. So you do not need to forward it to me again.

Thank you,

*JEANIE*

**JEAN P. NUNN**, Clerk of Court  
Martinsville Circuit Court Clerk's Office  
(276-403-5251)

---

**From:** ROBERTA HILL <rbhill67@comcast.net>  
**Sent:** Tuesday, February 14, 2023 5:57 PM  
**To:** Jeanie Nunn <JNUNN@ci.martinsville.va.us>  
**Subject:** Re: Martinsville Circuit Court, Declaration about Scott Albrecht in support of Declaration, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill  
**Importance:** High

**CAUTION:** This email originated outside the City of Martinsville's email system.

Do not click links or open attachments unless you recognize the sender and know the content is safe.

Was this filed?

Thanks,  
Roberta Hill

On 2/13/2023 3:58 PM, ROBERTA HILL wrote:

Clerk of Circuit Court for the City of Martinsville;  
CC: Glen Andrew Hall, Esquire.;  
CC: Judge Greer,

I am Roberta Hill, Brian's mother. I am filing this "DECLARATION OF BRIAN DAVID HILL OF NEW EVIDENCE CONCERNING PUBLIC DEFENDER ASSISTANT SCOTT ALBRECHT IN SUPPORT OF MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS". It is all being filed through email to you on Brian's behalf due to his federal probation conditions where he is not allowed to use the internet. He is having me file



this pleading on his behalf. My son is having me to serve the respondents through email as well and the certificate of service is at the end of the PDF file. This email to the Clerk with the Respondents in the email message headers prove to the Clerk that I had served the Respondents a copy of these pleadings, and may also be faxed as well by Brian D. Hill in the event that email may fail

Filings are attached:

**1. Declaration-Scott-Albrecht-2-13-2023.pdf:** - DECLARATION OF BRIAN DAVID HILL OF NEW EVIDENCE CONCERNING PUBLIC DEFENDER ASSISTANT SCOTT ALBRECHT IN SUPPORT OF MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS

**Brian wanted me to add this: Glen Andrew Hall has been caught, Operation Checkmate, Brian D. Hill started political exposing Operation Checkmate against his enemies like in a game of chess, not just exposing Chief Justice John Roberts of the U.S. Supreme Court. Operation Checkmate exposes the fraud and blackmail. Operation Checkmate exposes Scott Albrecht.**

To Clerk: Please confirm by read receipt or response message confirming that you have received this. Thank You!

Roberta Hill (representative for electronic filing)  
310 Forest Street, Apartment 1  
Martinsville, Virginia 24112

Declaration about Scott Albrecht in support of Declaration, case no. CR19000009-00,  
Circuit Court for the City of Martinsville  
Commonwealth of Virginia, City of Martinsville v. Brian David Hill

Defendant:  
Brian David Hill  
310 Forest Street, Apartment 2  
Martinsville, Virginia 24112

Thanks,  
Roberta

**Subject:** Martinsville Circuit Court, Motion for Reconsideration and separate Exhibits document, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill

**From:** ROBERTA HILL <rbhill67@comcast.net>

**Date:** 2/17/2023, 4:21 AM

**To:** "Hon. Jean P. Nunn, Clerk of the Court" <jnunn@ci.martinsville.va.us>, Martinsville City Commonwealth's Attorney <ahall@ci.martinsville.va.us>, nsherman@ci.martinsville.va.us, "OAG Criminal Litigation (oagcriminallitigation@oag.state.va.us)" <oagcriminallitigation@oag.state.va.us>, "Coen, Chris" <cco@oag.state.va.us>, ehamilton@ci.martinsville.va.us, Judge Giles Carter Greer <cgreer@ci.martinsville.va.us>

**CC:** Ken & Stella Forinash <kenstella@comcast.net>, "kenstella2005@comcast.net" <kenstella2005@comcast.net>, "stanleybolten@justiceforuswgo.nl" <StanleyBolten@justiceforuswgo.nl>

Clerk of Circuit Court for the City of Martinsville;

CC: Glen Andrew Hall, Esquire.;

CC: Judge Greer,

I am Roberta Hill, Brian's mother. I am filing this Motion for Reconsideration and separate Exhibits document to make it easy for the judge to review over. It is all being filed through email to you on Brian's behalf due to his federal probation conditions where he is not allowed to use the internet. He is having me file this pleading on his behalf. My son is having me to serve the respondents through email as well. This email to the Clerk with the Respondents in the email message headers prove to the Clerk that I had served the Respondents a copy of these pleadings, and may also be faxed as well by Brian D. Hill in the event that email fail.

Filings are attached:

**1. Motion-Reconsideration-2-17-2023.pdf:** - MOTION TO RECONSIDER THE ORDER DENYING "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS".

**2. RECONSIDERATION-EXHIBITS-2-16-2023.pdf:** Seven Exhibits attached to: MOTION TO RECONSIDER THE ORDER DENYING "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS".

To Clerk: Please confirm by read receipt or response message confirming that you have received this. Thank You!

Roberta Hill (representative for electronic filing)  
310 Forest Street, Apartment 1  
Martinsville, Virginia 24112

Motion for Reconsideration and separate Exhibits document, case no. CR19000009-00, Circuit Court for the City of Martinsville  
Commonwealth of Virginia, City of Martinsville v. Brian David Hill

Defendant:

Brian David Hill  
310 Forest Street, Apartment 2  
Martinsville, Virginia 24112

Thanks,  
Roberta

— Attachments: _____	
Motion-Reconsideration-2-17-2023.pdf	498 KB
RECONSIDERATION-EXHIBITS-2-16-2023.pdf	4.6 MB

**VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE**

**COMMONWEALTH OF VIRGINIA,  
CITY OF MARTINSVILLE,  
PLAINTIFF(s),**

**v.**

**BRIAN DAVID HILL,  
DEFENDANT.**

CASE NO: CR19000009-00

**MOTION TO RECONSIDER THE ORDER DENYING  
“MOTION FOR SET ASIDE OR RELIEVE  
DEFENDANT OF JUDGMENT OF CONVICTION OF  
CRIMINAL CHARGE PURSUANT TO VIRGINIA  
CODE § 8.01-428(D), VIRGINIA CODE § 8.01-  
428(A) AND VIRGINIA CODE § 8.01-428(B) ON  
THE BASIS OF FRAUD UPON THE COURT,  
CLERICAL FACTUAL ERRORS”**

**MOTION TO RECONSIDER THE ORDER DENYING “MOTION FOR SET  
ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF  
CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D),  
VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON  
THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL  
ERRORS”**

Respectfully submitted with the Court,

This the 17th day of February, 2023.

  
Signed

Brian D. Hill

Brian D. Hill  
Defendant

Former news reporter of U.S.W.G.O. Alternative News  
Ally of Q

310 Forest Street, Apartment 2  
Martinsville, Virginia 24112  
(276) 790-3505



[JusticeForUSWGO.NL](http://JusticeForUSWGO.NL) or [JusticeForUSWGO.wordpress.com](http://JusticeForUSWGO.wordpress.com)



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**Motion to Reconsider the Order denying “MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS”**

COMES NOW the Defendant, BRIAN DAVID HILL (“Defendant”), by and through himself pro se, and moves this Honorable Court for the following independent action, for reconsideration of it’s Order on February 14th, 2023 denying Defendant’s filed “MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS”.

The very motion which was denied was filed on January 26, 2023. Motion was denied shortly after new evidence was filed with the Court as to a FOIA response from Kendall Davis who works for the City of Martinsville as its Public Information Officer. Kendall Davis filed a response with answers to Defendant’s questions sourced from Martinsville Chief of Police Rob Fincher. This evidence verifies by statements from a Chief law enforcement officer proving that the body-camera footage was unlawfully destroyed. The Court didn’t get a chance to hold any inquiry or evidentiary hearing to address the Police Chief admitting cover up of material evidence, proving evidence was destroyed in response to two court orders

for discovery materials, one court order from Hon. Giles Carter Greer. The Circuit court filed a second court order on July 15, 2019 for discovery evidence not knowing that the body-camera footage had already been secretly destroyed and deleted while Police Chief was G. E. Cassady. The new police chief is exposing information which proves what Defendant had suspected for years without any answers from Martinsville Police Department. Fraud on the Court had been proven.

The order was filed or issued I believe on 02/14/2023, which is February 14, 2023, “DENIED MOT SET ASIDE CONV”.

New evidence had recently been discovered and filed which may or may not had been reviewed by the Hon. Giles Carter Greer, the Judge of this Circuit Court. Either it had not been reviewed or the Judge had not had the time to review over the newly obtained evidence which further warrants relief herein. Rule 1:1 does not bar relief asked in the motion pursuant to Virginia Code § 8.01-428(D), Virginia Code § 8.01-428(A) and Virginia Code § 8.01-428(B), which was denied.

The new evidence proves **Element 2 of the Statement of the Facts** in Defendant’s filed “MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS”.

### **ACCOMPANYING EVIDENCE FILINGS:**

The following evidence filings shall accompany this filing in support of this MOTION and is referenced herein.

1. RECONSIDERATION-EXHIBITS-2-16-2023.pdf - EXHIBITS 1-7

attached to: “Motion to Reconsider the Order denying “MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS”.

This document is being filed separately but accompanies this MOTION so that the judge can easily access the citations of the different page numbers from this separate document referenced in this Motion. – Pages marked as RECONSIDERATION EXHIBIT (#) OF 48.

The grounds in support of this motion are briefly as follows and this motion is also presenting a brief with legal arguments, facts, and evidence in support of this motion.

### **GROUND:**

1. The additional evidence EXHIBITS 1-7 further proves Fraud on the Court ([Element 1](#));

2. Rule 1:1 doesn't bar relief under Virginia Code § 8.01-428(D), Virginia Code § 8.01-428(A) and Virginia Code § 8.01-428(B) ([Element 2](#));

3. Fraud on the Court has been proven in multiple aspects. Fraud and collusion ([Element 3](#));

4. Attorney Scott Albrecht who was the Assistant Public Defender who represented the Defendant may have been hired years later as the Assistant Commonwealth's Attorney and works for the Commonwealth's Attorney against the Defendant despite being in conflict of interest in representing the Defendant previously in the same criminal case, and then switching sides to the Commonwealth Attorney. The Court should have conducted an inquiry into this and issued appropriate orders in dealing with the conflict of interest as it was made known to the Court. Instead, the Court refused to conduct an inquiry or hold any hearings over this, refused to ask for a response from the Commonwealth's Attorney and allowed the conflict of interest to remain in place without asking any questions ([Element 4](#));

5. Refusing to hold Glen Andrew Hall the Commonwealth's Attorney accountable for fraud on the court and non-compliance with court orders for discovery, which is contempt of court, is in violation of the Fourteenth Amendment of the U.S. Constitution under both Due Process Clause and Equal Protection Clause ([Element 5](#));

6. Denying the Motion and not holding any attorney/lawyer accountable for non-compliance with court orders and conflicts of interests sets a very dangerous precedent never usually seen before in appellate case law where a party or attorney for a party doesn't have to comply with any court orders. Makes court orders useless and ineffective when they can be disobeyed. Sets the precedent in the future where Glen Andrew Hall the Commonwealth's Attorney can destroy any evidence they want to even after court orders asking for it. They can destroy any evidence and violate any court order without any consequence. This promotes anarchy and promotes becoming a law unto himself. Opens the door for possibly vigilante justice and makes the law no longer enforceable ([Element 6](#)).

END GROUNDS

## **ADDITIONAL STATEMENT OF THE FACTS**

This additional STATEMENT OF THE FACTS contains 6 additional elements, which should be taken into consideration when making a decision on reconsideration of the order denying Defendant's filed "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS".

The additional Statement of the Facts is hereby presented to the Circuit Court for Martinsville based on the following new pieces of evidence which prove that the Honorable Court should reconsider its decision denying the Defendant's motion on its order dated February 14, 2023:

### **Element 1: The additional evidence EXHIBITS 1-7 further proves Fraud on the Court;**

The Defendant had already shown material evidence proving Fraud on the Court in the original motion, which was overlooked or wasn't taken into consideration. The Defendant had already shown a FOIA Request letter faxed and filed on January 20, 2023, but at the time the motion was filed on January 26th, there was no response or answer from the City of Martinsville and Martinsville

Police Department. Again, see the filing **EXHIBIT PAGES 202-209 OF 337** in **EXHIBIT 12** for **attached EXHIBITS to: “MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS” by Brian David Hill.**

However, the City of Martinsville and Martinsville Police Department together did send a valid response or answers on February 13, 2023 by email from Kendall Davis. See **RECONSIDERATION EXHIBIT PAGE 1-4 OF 48, EXHIBIT 1.**

The email attachment shows a letter from Kendall Davis with information directly from a new Police Chief named Rob Fincher. See **RECONSIDERATION EXHIBIT PAGE 5-8 OF 48, EXHIBIT 2.** This proves the body-camera footage which was material evidence within the scope of multiple court orders was destroyed on April 9, 2019, while Defendant was still in federal detainment. The evidence was destroyed and spoliated silently by deletion in their electronic body-camera footage storing system, deleted as if it were routine because it was not marked as evidence even after two court orders had already been filed and served on the Commonwealth’s Attorney asking for the body-camera footage. One of

those orders was entered by this Honorable Court, by Hon. Giles Carter Greer. So, the judge of this Honorable Court knows and understands as a judge that court orders were not complied with, his court order was not complied with. None of his court orders for discovery were ever complied with, and this Honorable Court didn't even know during Judge Greer's second court order on July 15, 2019, that the body-camera footage was already destroyed after Judge Greer's first court order for discovery. The General District Court asked for the body-camera footage and that order was not complied with. This is proven as willful contempt of court, willful non-compliance with court orders. Willful non-compliance with court orders of both General District Court and the Circuit Court by the Commonwealth's Attorney Glen Andrew Hall.

This Honorable Court was informed of the answer from the City of Martinsville proving **Element 2 in the Defendant's denied motion**, proving deliberate and willful destruction of evidence by not marking the body-camera footage as evidence even after multiple court orders asking for the body-camera footage. This is willful and deliberate. Deliberate and willful non-compliance from a lawyer nonetheless, a LAWYER, somebody who is supposed to be an officer of the court, and is all about the law. Multiple court orders were not complied with, so this is not a mistake here. See **RECONSIDERATION EXHIBIT PAGE 9-13 OF 48, EXHIBIT 3**. See the Court Orders on **EXHIBIT PAGE 272-280 OF 337**,



**EXHIBIT 22 of Evidence Exhibits-1-26-2023.pdf** - EXHIBITS 1-25 attached to:

“MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS”.

Defendant had filed a “STATUS LETTER TO HONORABLE GILES CARTER GREER (JUDGE); CLERK OF MARTINSVILLE CIRCUIT COURT”, Date: Tuesday, February 14, 2023. Same day as the order. The Honorable Court didn’t have the time to consider the implications of what was brought up in that status letter regarding the new evidence and the admissions by Police Chief Ron Fincher as to the evidence deletion/destruction/spoliation suspected by the Defendant. See **RECONSIDERATION EXHIBIT PAGE 4-28 OF 48, EXHIBIT 4**. There is more than enough clear and convincing evidence for Defendant’s burden of proof to establish enough proof of fraud on the court.

It is fraud on the court to destroy evidence, especially after the Court had asked for the discovery evidence.

McQueeney v. Wilmington Trust Co., 779 F.2d 916, 921 (3d Cir. 1985)  
(“There is ample support among both scholars and courts for this line of argument. Wigmore calls the inference “one of the simplest in human experience”: It has

always been understood — the inference indeed is one of the simplest in human experience — that a party's falsehood or other fraud in the preparation and presentation of his cause, his fabrication or suppression of evidence by bribery or spoliation, is receivable against him as an indication of his consciousness that his case is a weak or unfounded one; and from that consciousness may be inferred the fact itself of the cause's lack of truth and merit.”).

See *Vodusek v. Bayliner Marine Corp.*, 71 F.3d 148 (4th Cir. 1995), holding that an adverse inference instruction was appropriate because the plaintiff's expert willfully destroyed parts of a boat at issue in a products-liability action before the defendant and its experts were able to examine it. *Vodusek v. Bayliner Marine Corp.*, 71 F.3d 148, 156 (4th Cir. 1995) (“To draw an adverse inference from the absence, loss or destruction of evidence, it would have to appear that the evidence would have been relevant to an issue at trial and otherwise would naturally have been introduced into evidence. Even the mere failure, without more, to produce evidence that naturally would have elucidated a fact at issue permits an inference that “the party fears[to produce the evidence]; and this fear is some evidence that the circumstance or document or witness, if brought, would have exposed facts unfavorable to the party.” 2 Wigmore on Evidence, Section(s) 285 at 192 (Chadbourn rev. 1979).”). Body-camera footage would have shown as material evidence things which were not favorable to the Commonwealth’s Attorney and

would have led to a non-guilty verdict in General District Court or even a successful motion for case dismissal or acquittal.

Attorney Scott Albrecht on record had filed no push to compel compliance with the court orders, the very court orders he pushed for. For what he pushed for and for what he was supposed to do as part of the discovery rights of the Defendant, but failed to enforce those court orders not being complied with. Then evidence later surfaces this year showing collusion between Scott Albrecht and Glen Andrew Hall, Esquire. If Scott Albrecht was just some terrible lawyer who did a terrible job at defending his clients when he was the Assistant Public Defender, then why would Glen Andrew Hall hire Scott Albrecht as his Assistant Commonwealth's Attorney??? Why hire a lawyer who did a lousy job defending his own clients unless that was deliberate and would draw a reasonable inference that Scott Albrecht had always been helpful to the prosecution, helpful to Glen Andrew Hall this entire time. That is collusion and fraud. To give a deceptive appearance that Scott Albrecht was fighting for his client when in reality he was not. This is a rigged judicial system, and that violates both procedural due process of law and substantive due process of law, under the Fourteenth Amendment of the U.S. Constitution and Virginia Constitution's Article I. Bill of Rights; Section 11. See **RECONSIDERATION EXHIBIT PAGE 29-42 OF 48, EXHIBIT 5.**

There were a lot of things as far as even the General District Court that they were not made aware of because of Attorney Scott Albrecht who now works as the Assistant Commonwealth's Attorney being paid a salary from Glen Andrew Hall the Commonwealth Attorney. A lot of evidence and facts the Court was never aware of, and evidence they were never aware of. Both Courts were deceived and were in the dark. How is this not fraud on the court? See **RECONSIDERATION EXHIBIT PAGE 43-46 OF 48, EXHIBIT 6**. See the short summary and learn how fraudulent the entire prosecution was against an innocent person deceptively portrayed as guilty by the Commonwealth's Attorney.

The last piece of evidence shows a difference between how Defendant had been treated by this Court and how Glen Andrew Hall is being treated. Glen Andrew Hall is being allowed to illegally destroy evidence, cover up evidence, not comply with court orders he/she wishes, and doesn't have to comply with any law of the land. Yet after the General District Court found Defendant guilty, Defendant was released to or transferred to federal custody and was taken to the Western Virginia Regional Jail before the Clerk of the General District Court even noted an appeal to the Circuit Court. Appellant was then court ordered by the U.S. District Court to be mentally evaluated at a federal facility which was the Federal Correctional Institution 1 at Butner, North Carolina. That is a federal prison. So, Defendant couldn't even possibly appear before the hearing in the Circuit court

unless theoretically he broke out of prison, he couldn't even appear before the Circuit Court while he was federally incarcerated. They knew Defendant was incarcerated against his will yet the corrupt law-breaking Commonwealth Attorney Glen Andrew Hall pushed Judge Greer to order a capias for failure to appear on January 28, 2019 for a Defendant detained against his will on the day of the hearing while in federal custody; so, he couldn't possibly appear unless he had theoretically broken out of prison and hitched a ride to the Circuit Court for the hearing. The whole thing is cartoonish, it is insane, it is outlandish. See **RECONSIDERATION EXHIBIT PAGE 47-48 OF 48, EXHIBIT 7.**

It shown and I quote:

**CITATION OF RECONSIDERATION EXHIBIT PAGE 48 OF 48, EXHIBIT 7**

Jeanie Nunn

From: Nancy Sherman

Sent: Friday, February 01, 2019 10:35 AM

To: Jeanie Nunn; Andy Hall

Subject: RE: Brian David Hill

The Sheriffs Office confirmed the Feds picked Mr. Hill up out of our custody. Once the Feds are finished with Mr. Hill they will let us know and he will be brought back and placed in the custody of the Martinsville City Jail to await his Misd. Appeal.

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From: Jeanie Nunn <JNUNN@ci.martinsville.va.us>

Sent: Tuesday, January 29, 2019 2:43 PM

To: Andy Hall <ahall@ci.martinsville.va.us>; Nancy Sherman <nsherman@ci.martinsville.va.us>; Scott Albrecht <salbrecht@mar.idc.virginia.gov> <salbrecht@rnar.idc.virginia.gov>

Cc: Judge Greer <cgreer@ci.martinsville.va.us>

Subject: Brian David Hill

On January 28, at the request of the Commonwealth, the Judge directed me to issue a capias on Mr. Hill since he is in Federal Custody in Butner NC and the Commonwealth wanted it placed as a Detainer against him. In reviewing his file determining the reason to show for the capias, I knew it couldn't be failure to appear so I thought "REVOKE HIS BOND". However, Mr. Hill has never made bond, therefore, the indecent exposure charge should be listed in his file in

the federal system and he should have a detainer against him anyway. The commonwealth may be able to contact Butner or possibly get the police department to check and make sure it is showing on his file that he has to be returned to us after completion of his fed time for the pending offense here.

Or Judge, if you have a particular charge you want me to issue a capias under and place a new detainer, please advise. Also, do I just continue this until next misdemeanor appeal day for a status review?

Thanks,

Jeanie Nunn

Certified Master Chief Deputy Clerk

Martinsville Circuit Court

P O Box 1206

Martinsville, VA 24114

**EXHIBIT 7** proves one thing, Glen Andrew Hall of the Commonwealth's Attorney didn't care that Defendant was in Butner, North Carolina in federal custody, so how could he appear on January 28??? Mr. Hall was already ready to push a failure to appear charge knowing that the Defendant couldn't possibly appear because of Butner, North Carolina being a federal prison where Defendant had been detained at the time. Andrew Hall didn't care that the Defendant didn't

willfully fail to appear, he demanded a capias and Judge Greer agreed with Mr. Hall even though Defendant had a good reason for not appearing, and the Sheriff's office of Martinsville knew the Feds picked up the Defendant, so Andy Hall had pushed for a false charge of possibly "failure to appear" against the Defendant, a capias based on false pretenses. A charged crime has to be proven willful and without a valid excuse or good reason. Maybe Defendant is misunderstanding what the capias was about. However, the Defendant was in federal custody at the time of the hearing on January 28, 2019.

Yet the Commonwealth Attorney Glen Andrew Hall deliberately covered up evidence and didn't do their due diligence to preserve the body-camera footage after multiple court orders already. They didn't comply with two to three court orders. When multiple court orders are not being followed, that is a repeated behavior which has yet to be deterred, a repeated pattern of non-compliance. That is willful. Not a criminal defendant who was forcefully incarcerated by the Feds and taken to Butner, NC. He didn't appear because he was in federal prison and was taken away by the Feds. Now Andrew Hall aka Andy Hall made no excuse or good reason why he never complied with a single court order being highlighted by the Defendant as to the issues of fraud on the court.

Element 1 has been satisfied.

**Element 2: Rule 1:1 doesn't bar relief under Virginia Code § 8.01-428(D),  
Virginia Code § 8.01-428(A) and Virginia Code § 8.01-428(B);**

Defendant had already explained in his denied Motion that Rule 1:1 doesn't bar fraud on the court claims. This Court did have jurisdiction to act on this independent action motion.

Virginia Code § 8.01-428, is a limited statutory exception to Rule 1:1. Code § 8.01-428(D), permits a party to move to set aside a judgment for fraud upon the court, also applies in criminal cases. Pursuant to Code § 8.01-428(B), trial courts may also utilize *nunc pro tunc* orders to correct clerical errors within the record beyond the timeframe of Rule 1:1. *Jefferson v. Commonwealth*, 298 Va. 473, 476–77, 840 S.E.2d 329, 332 (2020).

See *Wilson v. Commonwealth*, 108 Va. Cir. 97, 101–02 (Fairfax Cir. Ct. Apr. 20, 2021) (Ortiz, J.) (holding that Code § 8.01-428(D) applies in criminal proceedings); see also *Lamb v. Commonwealth*, 222 Va. 161, 165, 279 S.E.2d 389, 392 (1981) (holding that Code § 8.01-428(B) applies in criminal cases and noting that the text of Code § 8.01-428 does not limit its applicability to civil cases as its statutory predecessors did).

Fraud on the Court in different aspects had already been proven.

For the sake of brevity, Defendant will not reiterate all of the text from every other element regarding the evidence and arguments referenced and cited from all



other elements. Defendant hereby incorporates by reference, as if fully set forth herein, all of the [Element 1](#), [Element 3](#), [Element 4](#), [Element 5](#), and [Element 6](#) evidence, arguments, and citations.

Element 2 has been satisfied.

**Element 3: Fraud on the Court has been proven in multiple aspects. Fraud and collusion;**

Defendant has the evidence, and that evidence is already in the records of the Circuit Court and General District Court records transferred to the Circuit Court. Defendant had done his due diligence to inform this Honorable Court once he received or obtained new evidence of fraud on the court. This evidence is new and could not have been obtained while Eric Monday was the City's Attorney, as this attorney worked hard against the Defendant. This evidence is new and could not have been obtained while G. E. Cassady was the City's Chief of Police, as this police chief worked hard against the Defendant, and ignored any evidence mailed to them. Rob Fincher becomes the new police chief and all of the sudden things start moving forward, and evidence is obtained which was impossible prior to this new police chief.

See example case: Wilson v. Commonwealth, CL-2021-0003146, 2 (Va. Cir. Ct. Apr. 20, 2021) (“**The following facts demonstrate an alarming chain of events**

that began with an unlawful traffic stop, continued with a fraudulent police report and misrepresentations to a magistrate and the Commonwealth's Attorney's office, and resulted in Wilson's conviction. An internal investigation and discovery disclosures revealed an extensive trail of fraud and deception.”)

The entire prosecution had become an extensive trail of fraud and deception. Defendant was never psychologically and medically cleared as previously assumed by the Officer Robert Jones. Didn't this Court read the transcript in federal court as to the arresting Officer Robert Jones who filed the CRIMINAL COMPLAINT since the General District Court has no transcription of its Trial???

See pages 22-26 (**Element 1 of the Statement of the Facts**) and pages 39-79 (**Statement of the Facts: Element 3, Element 4, Element 5, Element 6**) of the **MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS.**

It is deception and fraud, there shouldn't even be a judgment of conviction anymore. Keeping such a judgment is a fraud, it is a false criminal record, it is not even true. Only thing true was Defendant was naked, that is it. Not medically

cleared, no lab tests and no verification as to whether Defendant was intoxicated or not because it was deleted from the chart.

A criminal record means the law was violated by a suspect or criminal defendant, that every element of the charge had been proven. That is not true at all in the case of Brian David Hill prosecuted by Commonwealth Attorney Glen Andrew Hall.

The material element of intentionally making an obscene display was without merit. The material element of Defendant being “medically and psychologically cleared” was without merit. Simply being naked is not being obscene. Officer Jones admitted that the Defendant was not obscene. The Court didn’t even inquire on its own and never asked Officer Robert Jones under penalty of perjury as to his statement in the federal court, omitted from the Transcript. The Court could have asked Robert Jones if what he had said was true on September 12, 2019, admitting under oath that the Defendant had never been obscene. See filing:

Evidence\_Declaration-1-26-2023.pdf - EVIDENCE OF FEDERAL COURT  
DECLARATIONS UNDER PENALTY OF PERJURY IN SUPPORT OF  
MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF  
CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE §  
8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-

428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL  
FACTUAL ERRORS.

Then there are the statements in writing from current Police Chief Rob Fincher admitting the body-camera footage was destroyed after two court orders and multiple letters from the Defendant asking for the body-camera footage. The evidence was unlawfully destroyed, in violation of multiple court orders, willfully not complied with, and even after the Defendant had sent letters asking for the very evidence within the scope of those court orders. As stated in [Element 1](#).

Body-camera footage was illegally deleted, just like the medical record with lab test orders saying “deleted from the chart”. Another evidence cover up without any investigation or inquiry of this Court. See **EXHIBIT PAGE 260 OF 337** for **attached EXHIBITS to: “MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS” by Brian David Hill.**

Fraud and deception because Officer Robert Jones said in the CRIMINAL COMPLAINT under oath that Defendant was “medically and psychologically cleared” when he was arrested for indecent exposure. That was not true. Defendant

had proven it was not true. Defendant had proven he was not obscene as admitted by Officer Jones.

Defendant had proven fraud, he had proven the entire arrest was defective, “defective” being the word here. The arrest was defective and based on not solid evidence but false assumptions. Defendant was not medically cleared, he can never be proven to have been medically cleared at the time on September 21, 2018, because evidence was covered up. Evidence which would have proven intoxication. Evidence was proven to have been covered up by both Martinsville Police Department and Sovah Health Martinsville the local hospital. Evidence was destroyed and covered up all the way, any evidence favorable to the Defendant, that is fraud and deception. The criminal record of Brian David Hill is a deception at this point, it was fraudulent from the very foundation and should not stand in this case before this very Court. Defendant had proven that in his motion, this Court made the wrong decision denying that motion.

Element 3 has been satisfied.

**Element 4: Attorney Scott Albrecht who was the Assistant Public Defender who represented the Defendant may have been hired years later as the Assistant Commonwealth’s Attorney and works for the Commonwealth’s Attorney against the Defendant despite being in conflict of interest in representing the Defendant previously in the same criminal case, and then switching sides to the Commonwealth Attorney. The Court should have conducted an inquiry into this and issued appropriate orders in dealing with the conflict of interest as it was made known to the Court. Instead, the Court refused to conduct an**

**inquiry or hold any hearings over this, refused to ask for a response from the Commonwealth's Attorney and allowed the conflict of interest to remain in place without asking any questions;**

This Honorable Court had a duty to conduct an inquiry to determine if a conflict of interest did exist. It did not conduct any inquiry and neither any investigation into the findings from a printed webpage of the City of Martinsville Staff Directory saying that Scott Albrecht is an Assistant Commonwealth's Attorney. It is clear on the face of the entire criminal case since Judge Greer also knew that Scott Albrecht had represented the Defendant in both General District Court and in this case before the Circuit Court until Lauren McGarry had taken over representation after Scott Albrecht had left the Public Defender Office. It is clear that Scott Albrecht is assisting the Commonwealth Attorney Glen Andrew Hall, is being paid a salary by Glen Andrew Hall, and it was Glen Andrew Hall who was the attorney for the Commonwealth which is the opposing counsel of Brian David Hill. This is clearly unethical here. This is a conflict of interest for sure. Law firms in Virginia and all over America do not hire a client for representation in a potential case or pending case until they do what is known as a process called the internal "conflicts check" to determine if the client in a potential case or pending case would be a conflict of interest. It is a conflict of interest for Scott Albrecht to have free reign over assisting the Commonwealth's Attorney in

the case involving Brian David Hill the criminal defendant in the very same case Scott Albrecht had represented the Defendant on from the very beginning since the General District Court. It's all proven on the record since the very beginning ever since the Defendant was appointed the Public Defender as counsel, which Scott Albrecht became the representative of Defendant. IT IS A CONFLICT OF INTEREST. See Rules of Professional Conduct 1.3, 1.6 and 1.7; see also *Holloway v. Arkansas*, 435 U.S. 475 (1978); *Dowell v. Commonwealth*, 3 Va. App. 555 (1987).

This is unethical, unprofessional and unconstitutional for such a conflict of interest here. We are supposed to have impartiality and a separation of powers. A public defender is not supposed be working with the very same prosecutor in the very same case. It is weird, it is not supposed to happen. What is going on here? Why is this Court protecting such a conflict of interest and when a conflict of interest is violating State Bar rules without even an inquiry???

For the sake of brevity, Defendant will not reiterate all of the text from every other element regarding the evidence and arguments referenced and cited from all other elements. Defendant hereby incorporates by reference, as if fully set forth herein, all of the [Element 1](#), [Element 2](#), [Element 3](#), [Element 5](#), and [Element 6](#) evidence, arguments, and citations.

Element 4 has been satisfied.

**Element 5: Refusing to hold Glen Andrew Hall the Commonwealth's Attorney accountable for fraud on the court and non-compliance with court orders for discovery, which is contempt of court, is in violation of the Fourteenth Amendment of the U.S. Constitution under both Due Process Clause and Equal Protection Clause;**

It is this Court's duty to hold all parties to a case accountable when a court order is not being complied with, when a court order is being ignored by an attorney who is an officer of the court who represents a party to a case. When evidence surfaces of a court order being violated and/or not complied with then it is this Court's inherit authority and duty to sanction a party or sanction that party's attorney. When evidence surfaces of a court order being violated and/or not complied with then it is this Court's inherit authority and duty to punish a party or punish that party's attorney. The Commonwealth's Attorney is not immune from having to comply with Court Orders. All attorneys are expected to comply with court orders, and be sanctioned when they refuse to comply. Because Glen Andrew Hall can violate as many court orders as he wants, the law no longer matters anymore, anybody can break the law, it creates a breakdown in a society of law and order.



See *Wilson v. Commonwealth*, CL-2021-0003146, (Va. Cir. Ct. Apr. 20, 2021) (“When one cog fails, subsequent rules malfunction, causing a breakdown in the judicial machinery...”).

See *Olmstead v. United States*, 277 U.S. 438, 483 (1928) (“And if this Court should permit the Government, by means of its officers' crimes, to effect its purpose of punishing the defendants, there would seem to be present all the elements of a ratification. If so, the Government itself would become a lawbreaker.”). *Olmstead v. United States*, 277 U.S. 438, 485 (1928) (“Decency, security and liberty alike demand that government officials shall be subjected to the same rules of conduct that are commands to the citizen. In a government of laws, existence of the government will be imperilled if it fails to observe the law scrupulously. Our Government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious. If the Government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy. To declare that in the administration of the criminal law the end justifies the means — to declare that the Government may commit crimes in order to secure the conviction of a private criminal — would bring terrible retribution. Against that pernicious doctrine this Court should resolutely set its face.”).

Virginia case law states that a Court has a right to punish a party including an attorney for willful non-compliance with a court order.

United Mine Workers v. Clinchfield Coal, 12 Va. App. 123, (Va. Ct. App. 1991) (“(1) Courts — Contempt of Court — Standard. — Compensatory civil contempt sanctions compensate the plaintiff for losses sustained because of the defendant's non-compliance or disobedience of a court's order; coercive civil contempt sanctions are imposed to coerce a defendant into complying with the orders of a court. (2) Courts — Contempt of Court — Standard. — When a case is settled by the parties, every proceeding dependent on it or a part of it is also necessarily settled, without prejudice, however, to the power and right of the court by proper proceedings to punish for contempt of court.”).

United Mine Workers v. Clinchfield Coal, 12 Va. App. 123, 133 (Va. Ct. App. 1991) (“In contempt cases, both civil and criminal relief have aspects that can be seen as either remedial or punitive or both: when a court imposes fines and punishments on a contemnor, it is not only vindicating its legal authority to enter the initial court order, but it is also seeking to give effect to the law's purpose of modifying the contemnor's behavior to conform to the terms required in the order.”).

As with the Commonwealth’s Attorney, they pushed for a capias charge against the Defendant for failure to appear while incarcerated in Butner federal

prison in North Carolina against his will, so the Commonwealth Attorney was willing to push any penalty or sanctions to enforce compliance. Yet the Commonwealth's Attorney is allowed to violate any court they wish, they can refuse to follow a Court Order, and being allowed to refuse to follow a Court Order makes it meaningless as filed. A Court Order is meaningless unless it is enforced by any applicable punishment or sanction.

The last piece of evidence as to **EXHIBIT 7** shows a difference between how Defendant had been treated by this Court and how Glen Andrew Hall is being treated. Glen Andrew Hall is being allowed to illegally destroy evidence, cover up evidence, not comply with court orders he/she wishes, and doesn't have to comply with any law of the land. Yet after the General District Court found Defendant guilty, Defendant was released to or transferred to federal custody and was taken to the Western Virginia Regional Jail before the Clerk of the General District Court even noted an appeal to the Circuit Court. Appellant was then court ordered by the U.S. District Court to be mentally evaluated at a federal facility which was the Federal Correctional Institution 1 at Butner, North Carolina. That is a federal prison. So, Defendant couldn't even possibly appear before the hearing in the Circuit court unless theoretically he broke out of prison, he couldn't even appear before the Circuit Court while he was federally incarcerated. They knew Defendant was incarcerated against his will yet the corrupt law-breaking Commonwealth

Attorney Glen Andrew Hall pushed Judge Greer to order a capias for failure to appear on January 28, 2019 for a Defendant detained against his will on the day of the hearing while in federal custody; so, he couldn't possibly appear unless he had theoretically broken out of prison and hitched a ride to the Circuit Court for the hearing. The whole thing is cartoonish, it is insane, it is outlandish. See

**RECONSIDERATION EXHIBIT PAGE 47-48 OF 48, EXHIBIT 7.**

It shown and I quote:

**CITATION OF RECONSIDERATION EXHIBIT PAGE 48  
OF 48, EXHIBIT 7**

Jeanie Nunn

From: Nancy Sherman

Sent: Friday, February 01, 2019 10:35 AM

To: Jeanie Nunn; Andy Hall

Subject: RE: Brian David Hill

The Sheriffs Office confirmed the Feds picked Mr. Hill up out of our custody. Once the Feds are finished with Mr. Hill they will let us know and he will be brought back and placed in the custody of the Martinsville City Jail to await his Misd. Appeal.

-----  
From: Jeanie Nunn <JNUNN@ci.martinsville.va.us>

Sent: Tuesday, January 29, 2019 2:43 PM

To: Andy Hall <ahall@ci.martinsville.va.us>; Nancy Sherman <nsherman@ci.martinsville.va.us>; Scott Albrecht (salbrecht@mar.idc.virginia.gov) <salbrecht@rnar.idc.virginia.gov>

Cc: Judge Greer <cgreer@ci.martinsville.va.us>

Subject: Brian David Hill

On January 28, at the request of the Commonwealth, the Judge directed me to issue a capias on Mr. Hill since he is in Federal Custody

in Butner NC and the Commonwealth wanted it placed as a Detainer against him. In reviewing his file determining the reason to show for the capias, I knew it couldn't be failure to appear so I thought "REVOKE HIS BOND". However, Mr. Hill has never made bond, therefore, the indecent exposure charge should be listed in his file in

the federal system and he should have a detainer against him anyway. The commonwealth may be able to contact Butner or possibly get the police department to check and make sure it is showing on his file that he has to be returned to us after completion of his fed time for the pending offense here.

Or Judge, if you have a particular charge you want me to issue a capias under and place a new detainer, please advise. Also, do I just continue this until next misdemeanor appeal day for a status review?

Thanks,

Jeanie Nunn

Certified Master Chief Deputy Clerk

Martinsville Circuit Court

P O Box 1206

Martinsville, VA 24114

**EXHIBIT 7** proves one thing, Glen Andrew Hall of the Commonwealth's Attorney didn't care that Defendant was in Butner, North Carolina in federal custody, so how could he appear on January 28??? Mr. Hall was already ready to push a failure to appear charge knowing that the Defendant couldn't possibly appear because of Butner, North Carolina being a federal prison where Defendant had been detained at the time. Andrew Hall didn't care that the Defendant didn't willfully fail to appear, he demanded a capias and Judge Greer agreed with Mr. Hall even though Defendant had a good reason for not appearing, and the Sheriff's office of Martinsville knew the Feds picked up the Defendant, so Andy Hall had

pushed for a false charge of possibly “failure to appear” against the Defendant, a capias based on false pretenses. A charged crime has to be proven willful and without a valid excuse or good reason. Maybe Defendant is misunderstanding what the capias was about. However, the Defendant was in federal custody at the time of the hearing on January 28, 2019.

Yet the Commonwealth Attorney deliberately covered up evidence and didn’t do their due diligence to preserve the body-camera footage after multiple court orders already. They didn’t comply with three court orders and didn’t have to make any excuses either, they just simply got away with it. When multiple court orders are not being followed, that is a repeated behavior, a repeated pattern of non-compliance. That is willful. Not a criminal defendant who was forcefully incarcerated by the Feds and taken to Butner, NC. He didn’t appear because he was in federal prison and was taken away by the Feds. Now Andrew Hall aka Andy Hall made no excuse or good reason why he never complied with a single court order being highlighted by the Defendant as to the issues of fraud on the court.

It violates the equal protection of the law, doesn’t follow equal application of the law. See the Fourteenth Amendment of the U.S. Constitution.

#### CITATION OF AMENDMENT XIV, U.S. Constitution:

Section 1 Rights: All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the

privileges or immunities of citizens of the United States; **nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.**

Defendant had been deprived of equal protection of the laws by having any court orders enforced upon him but not against the Commonwealth's Attorney Glen Andrew Hall. If this Court refuses to hold a contemnor accountable such as Glen Andrew Hall, then this violates the Fourteenth Amendment of the U.S. Constitution's requirement of equal protection of the laws. The law applies to both sides of a case, the rules apply to all sides within a case, and the court orders are supposed to be complied with by all sides of a case. That is the law. Is Glen Andrew Hall allowed to ignore court orders and violate them as much as he wishes???

Judge Greer of this Honorable Court must understand that this sets a very dangerous precedent which will be further explained in **Element 6**.

For the sake of brevity, Defendant will not reiterate all of the text from every other element regarding the evidence and arguments referenced and cited from all other elements. Defendant hereby incorporates by reference, as if fully set forth herein, all of the [Element 1](#), [Element 2](#), [Element 3](#), [Element 4](#), and [Element 6](#) evidence, arguments, and citations.

Element 5 has been satisfied.

**Element 6: Denying the Motion and not holding any attorney/lawyer accountable for non-compliance with court orders and conflicts of interests sets a very dangerous precedent never usually seen before in appellate case law where a party or attorney for a party doesn't have to comply with any court orders. Makes court orders useless and ineffective when they can be disobeyed. Sets the precedent in the future where Glen Andrew Hall the Commonwealth's Attorney can destroy any evidence they want to even after court orders asking for it. They can destroy any evidence and violate any court order without any consequence. This promotes anarchy and promotes becoming a law unto himself. Opens the door for possibly vigilante justice and makes the law no longer enforceable.**

Denying the Motion filed on January 26, 2023, and refusing to hold Glen Andrew Hall accountable at all for disobeying court orders. I am referring to Glen Andrew Hall ignoring court orders after being served with those court orders, and destroying evidence in response to court orders. If Glen Andrew Hall is never held accountable in any way, shape, or form by this Court, then this creates the issue that this Court is not impartial, is biased, and appears to be colluding with Glen Andrew Hall the contemnor, and the contempt is allowed because it is Glen Andrew Hall willfully disobeying multiple court orders. It sets a very dangerous precedent never before supposed to be seen in a court of law, never supposed to be heard before in a court of law. At least it shouldn't be according to case law.

Calamos v. Commonwealth, 184 Va. 397, (Va. 1945) (“1. CONTEMPT — Disobedience of Decree — Persons Not Parties — Ignorance of Decree. — In order to punish a person for contempt of court for violation of an order, judgment, or



decree, it must appear that such order, judgment, or decree has been personally served on the one charged, or that he has had actual notice of the making of such order or rendition of such judgment or decree. 2. CONTEMPT — Disobedience of Decree — Persons Not Parties — Ignorance of Decree — Decree of Injunction Operating in Rem. — Where a decree of injunction operates in rem against an illegal use of specific real property, there is an exception to the rule that, in order to punish a person for contempt of court for violation of an order, judgment, or decree, it must appear that such order, judgment, or decree has been personally served on the one charged, or that he has had actual notice of the making of such order or rendition of such judgment or decree.”) Glen Andrew Hall is an officer of the Court and he was served with every order of the Court unless the Court notes that service was not made on the Commonwealth’s Attorney Glen Andrew Hall.

Unger v. Commonwealth, Record No. 2196-14-2, 3-4 (Va. Ct. App. Dec. 22, 2015) (“The common law defines contempt and establishes the inherent power of courts to punish it. E.g., Parham v. Commonwealth, 60 Va. App. 450, 456-57, 729 S.E.2d 734, 736-37 (2012). Nevertheless, the General Assembly is authorized to regulate the courts' exercise of that power. Va. Const. art. IV, § 14. This legal framework is affected by constitutional due process doctrine that recognizes two forms of criminal contempt—direct and indirect. See, e.g., Scialdone v. Commonwealth, 279 Va. 422, 442-43, 689 S.E.2d 716, 727-28 (2010).”). Unger v.

Commonwealth, Record No. 2196-14-2, 4 (Va. Ct. App. Dec. 22, 2015)

("Constitutional principles further instruct that contempt is indirect, by contrast, "[i]f some essential elements of the offense are not personally observed by the judge, so that he must depend upon statements made by others." Id. at 443-44, 689 S.E.2d at 728 (quoting *Oliver*, 333 U.S. at 275). In the case of indirect contempt, the accused must be advised of the charges against her, be afforded the right to legal representation, and "have a chance to testify and call other witnesses in [her] behalf." Id. at 443, 689 S.E.2d at 728 (quoting *Oliver*, 333 U.S. at 275). Indirect contempt proceedings generally also include the right to cross-examine adverse witnesses, although this right derives from due process rather than from the Confrontation Clause. See *Gilman v. Commonwealth*, 275 Va. 222, 228, 657 S.E.2d 474, 476 (2008) (citing U.S. Const. amend. VI); *Parham*, 60 Va. App. at 458, 729 S.E.2d at 737."'). *Estate of Hackler v. Hackler*, 44 Va. App. 51, 64 (Va. Ct. App. 2004) ("A court may find a party in contempt for "[d]isobedience or resistance . . . to any lawful process, judgment, decree or order of the court." Code § 18.2-456(5). The power to punish for contempt is inherent in, and as ancient as, courts themselves. It is essential to the proper administration of the law, to enable courts to enforce their orders, judgments and decrees, and to preserve the confidence and respect of the people without which the rights of the people cannot be maintained and enforced. *Carter v. Commonwealth*, 2 Va.App. 392, 395, 345 S.E.2d 5, 7

(1986) (citations omitted). See also Va. Const. art. IV, § 14; Gompers v. Buck's Stove Range Co., 221 U.S. 418, 450, 31 S.Ct. 492, 501, 55 L.Ed. 797 (1911); Nicholas v. Commonwealth, 186 Va. 315, 321, 42 S.E.2d 306, 309 (1947); Forbes v. State Council of Va., 107 Va. 853, 856, 60 S.E. 81, 82 (1908); Yoder v. Commonwealth, 107 Va. 823, 828-29, 57 S.E. 581, 585 (1907); Carter v. Commonwealth, 96 Va. 791, 807-08, 32 S.E. 780, 782 (1899); Wells v. Commonwealth, 62 Va. (21 Gratt.) 500, 503 (1871); Wilson v. Commonwealth, 23 Va.App. 318, 322, 477 S.E.2d 7, 8-9 (1996). Upon a finding of contempt, a trial judge has discretionary power to enforce decrees of the court. Code § 18.2-456.”)

It is a DUTY for his Court to enforce its own orders and decrees once the Court and the Commonwealth Attorney who represents the Plaintiffs is given proof of the Commonwealth’s own contempt of court including non-compliance of the court orders including any evidence proving non-compliance.

Defendant had proven this. Scott Albrecht colluded with Glen Andrew Hall because he loses criminal defendants’ cases and then he is rewarded by being hired as an Assistant Commonwealth’s Attorney. See [Element 4](#). If he is not a good trial attorney when faced with Glen Andrew Hall as opposing counsel at trial, then why was he hired as an Assistant Commonwealth’s Attorney??? It appears to me that there was collusion. Collusion would mean the issues where the court orders will

never be compelled to be enforced by Scott Albrecht. The only person who can push for this is the Defendant himself on a pro se basis.

Defendant has no legal counsel at this time to prevent him from seeking justice against Glen Andrew Hall the contemnor; Defendant is not getting blocked by his own supposed defense attorney from asking this Court to enforce its own orders as required by law and the U.S. Constitution's equal protections of the law. His court appointed counsel cannot stop him from doing the right thing. His court appointed counsel at one time was Scott Albrecht who is now the Assistant Commonwealth's Attorney in conflict of interest. The Defendant's hands are no longer tied here.

If arguably this Court does not reconsider denying the Defendant's motion and does nothing about the contemnor Glen Andrew Hall, then this sets a new dangerous precedent in contradiction with authorities of the U.S. Supreme Court, Supreme Court of Virginia and Court of Appeals of Virginia, and binding case law precedent nationwide. This opens the door for law to be openly violated by not just Glen Andrew Hall, Esquire, but any attorney of the Commonwealth of Virginia can ignore court orders, and refuse to comply with court orders.

I remind the Honorable Judge Greer that: *Olmstead v. United States*, 277 U.S. 438, 485 (1928) (“Crime is contagious. If the Government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto

himself; it invites anarchy.”). This Court needs to enforce its court orders when evidence proves non-compliance with multiple court orders, or it is inviting anarchy and vigilantism. It invites every man to become a law unto himself. The law no longer holds water in a cup if the cup is broken and is not fixed. The judicial machinery is broken down.

This also allows egregious violations of law and court orders. Glen Andrew Hall knows that Defendant is on federal supervised release by the U.S. probation office. That means the destruction of evidence doesn't just violate the court orders, it also violates federal law. It is obstruction of justice under U.S. federal law. See 18 U.S.C. § 1519 (“Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any case filed under title 11, or in relation to or contemplation of any such matter or case, shall be fined under this title, imprisoned not more than 20 years, or both.”). The United States Probation Office is a law enforcement agency of the United States District Court. Glen Andrew Hall had also obstructed justice under 18 U.S.C. § 1519. Defendant wants all cards on the table now. Time for the mind games in the legal system to end. Defendant had proven fraud on the court, non-compliance with court orders, unlawful deletion of evidence, and had

proven collusion between Scott Albrecht and Glen Andrew Hall by Scott Albrecht joining the prosecuting attorney team after losing Brian's case in General District Court, and after evidence was permanently deleted.

Defendant will appeal every wrongful decision by this Honorable Court to ensure that every order is done the right way. This is a Court of Law, not a Court of Man.

Arguably, Glen Andrew Hall is being allowed to openly and freely destroy any tangible object and any evidence he solely wishes. Arguably, he can destroy a police report. Arguably, he can shred reports from police or anybody, and he can shred court orders. He can do whatever he wants if this Court takes no action on the court orders which had been not complied with.

The consequences which will be set if this Honorable Court does not reconsider its decision denying the Defendant's motion:

1. Glen Andrew Hall the Commonwealth Attorney will be allowed to deceive the judges, deceive the defendant and deceive the defendant's attorney throughout the entire criminal prosecution of a case;
2. Glen Andrew Hall the Commonwealth Attorney will be allowed to destroy evidence at any time even after the Court orders for discovery evidence to be turned over to the defendant's counsel as to any tangible evidence within that court order's scope;

3. Glen Andrew Hall the Commonwealth Attorney will be allowed to destroy evidence favorable to the Defendant then deceive the judges and jury to convict the Defendant or compel the Defendant to file a motion to withdraw appeal while deceiving the Defendant and the Court;
4. Glen Andrew Hall the Commonwealth Attorney will be allowed to not comply with any Court Order they wish, and no law will ever be enforceable on him/her. No Court Order has to be followed as long as it is an attorney of the Commonwealth. No law or court order means anything when it doesn't have to be followed. Anything the judge says in a court order will not work out because it doesn't have to be followed. It wastes a Court's time to even enter a court order since Glen Andrew Hall or any Commonwealth Attorney can choose to ignore the court order at his/her whim.

This sets very dangerous precedent and represents a lawless and broken judicial machinery. A lawless judicial machinery is Unconstitutional and violates every authority and case law as far as the Supreme Court of Virginia and U.S. Supreme Court. It becomes a lawless Court, not a court of law but a Court where you can choose not to follow a court order if you wish. The Fourteenth Amendment of the U.S. Constitution requires either that the law applies to everybody or applies

to nobody. Either Glen Andrew Hall has to comply with every court order or the Court should rule that the Defendant should not be required to follow court orders as well, just like the Commonwealth Attorney or it is not a fair process, it is not due process of law. If I follow the example of Glen Andrew Hall, I would be charged with contempt of court, but why??? He doesn't have to follow Court Orders, right??? The argument is simple, the law applies to everybody or it applies to nobody.

We are not under the British Crown; we are not a society of two classes such as the class of nobles and the class of non-nobles. Attorneys are not nobles, where the law doesn't apply to them but only non-nobility. That's partially what led to the American Revolution of 1776, "Give me Liberty or Give me Death" speech by Governor Patrick Henry at the Saint John's Church in Richmond, Virginia. What partially led to the American revolution was nobles being allowed to break laws and didn't have to comply with the very same laws as that of the citizens, the Crown allowed a two-tiered justice system. Taxation without representation is theft. The Circuit Court is not supposed to be a two-tiered justice system, under the Fourteenth Amendment. Court Orders have to be complied with by all parties to a case, that is the law, and that is the U.S. Constitution. See *Olmstead v. United States*, 277 U.S. 438, 485 (1928) ("Decency, security and liberty alike demand that government officials shall be subjected to the same rules of conduct that are



commands to the citizen. In a government of laws, existence of the government will be imperilled if it fails to observe the law scrupulously. Our Government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example.”).

Judge Greer, please understand that the law should apply to everybody.

For theoretical arguments sake, Will you let Glen Andrew Hall smoke illegal drugs in front of the Courthouse steps if he theoretically did so??? (Disclaimer: he is not but making an argument here).

For theoretical arguments sake, Will you let Glen Andrew Hall illegally gamble in the Municipal Building if he theoretically did so??? (Disclaimer: he is not but making an argument here).

For theoretical arguments sake, Will you let Glen Andrew Hall start an office fire to destroy records and evidence if he theoretically did so??? (Disclaimer: he is not but making an argument here).

I can ask this Court all day along an example of theoretical crimes Glen Andrew Hall could be allowed to commit and he can act as though court orders are funny paper or monopoly money. It no longer becomes a court of law if the law doesn't even have to be followed. It is a contradiction onto itself.

Judge Greer must reconsider This Honorable Court's decision denying the Defendant's motion and take some kind of action, any at all to protect the judicial machinery from breaking down. It is broken right now until it can be fixed.

For the sake of brevity, Defendant will not reiterate all of the text from every other element regarding the evidence and arguments referenced and cited from all other elements. Defendant hereby incorporates by reference, as if fully set forth herein, all of the [Element 1](#), [Element 2](#), [Element 3](#), [Element 4](#), and [Element 5](#) evidence, arguments, and citations.

Element 6 has been satisfied.

### **LEGAL ARGUMENTS**

It is clear as matter of law that all six Elements in the ADDITIONAL STATEMENT OF THE FACTS warrant reconsideration of the Motion being denied because of the issue that there does exist a severe case of fraud upon the Court and deception, by the Plaintiffs and with the collusion of or of inaction by any of the defense attorneys including Scott Albrecht who is now the Assistant Commonwealth's Attorney, allowing the frauds and non-compliance issues and evidence destruction to have taken place. Relief is clearly warranted here and so this Honorable Court should vacate its decision denying the Defendant's Motion or reconsider its decision denying the Defendant's Motion. That is because the

requested relief is well founded as both a matter of fact and as a matter of law under the statutory remedies set by Virginia Code § 8.01-428(D), Virginia Code § 8.01-428(A) and Virginia Code § 8.01-428(B).

This Court has a duty to conduct an inquiry as to the issues of Attorney Scott Albrecht being an Assistant to Glen Andrew Hall, which is a conflict of interest in this criminal case. Albrecht should recuse himself from any participation in the foregoing criminal case. Even if Albrecht doesn't have the case files of who he formerly had as a client, he had the knowledge of what he had discussed with his client. It is a conflict of interest for a reason. We have conflict checks for a reason. It is an unusual situation for the Public Defender in a criminal case representing a client to then he hired as the prosecutor over that very same case. Ethics requires inquiry from this Honorable Court.

Also, the destruction of evidence of the body-camera footage was not accidental but was deliberate and here is why.

In the answers to Defendant's FOIA request, Police Chief Rob Fincher admitted that it was policy that there is a retention period for evidence before it was destroyed unless litigation had begun either a civil case or criminal case involving the incident which involved the usage of the evidence which would be the body-camera footage. Police Chief Rob Fincher admitted the evidence exists in regard to the Defendant's arrest, and admitted that it was not marked as evidence therefore

was deleted as routine body-camera footage by the server which held the body-camera and car-camera footage. See **RECONSIDERATION EXHIBIT PAGE 1-4 OF 48, EXHIBIT 1**. The first safety valve to prevent spoliation of that evidence was Officer Robert Jones the charging officer or Martinsville Police Department itself. That safety valve had failed. The second safety valve to prevent spoliation of that evidence was Commonwealth's Attorney Glen Andrew Hall who had prosecuted the criminal charge. That safety valve had failed. The third safety valve to prevent spoliation of that evidence was Attorney Scott Albrecht who could have easily informed the Court that its court order was not being complied with. Albrecht could have asked to compel enforcement of its discovery order. Attorney Scott Albrecht could have filed a litigation hold letter asking for preservation of evidence or even could have filed a subpoena or ask the Court to issue a subpoena (subpoena duces tecum). That safety valve had failed. The fourth and last safety valve was the pro se letters between Brian D. Hill and former Police Chief G. E. Cassady to try to obtain a copy of; or preserve evidence. That safety valve had failed since the former Police Chief had ignored all of the Defendant's letters. All safety valves to prevent spoliation of material evidence had failed. This is clearly no error or mistake. This was deliberate.

That evidence was material because it was body-camera footage recorded around the time of Defendant's arrest and prior to his arrest. Multiple courts had ordered this footage because it was within the scope of those court orders.

This exculpatory evidence would have proven Defendant was intoxicated since the hospital record had already proven tachycardia two different times before the Defendant was erroneously released from the hospital. The Commonwealth Attorney can never disprove Defendant's claim of intoxication since the hospital deleted the ordered lab tests from Defendant's medical chart after drawing blood. So, drawing such reasonable inference is not out of the question.

Also, then there was the issue that Attorney Scott Albrecht who was the Defendant's counsel had remained as counsel until months after the destruction of the body-camera footage. Then years later he joins the Commonwealth Attorney to work for the very same prosecutor Glen Andrew Hall who he was supposed to defend his client against in a court of law. His court appointed counsel was solely responsible for not fighting to preserve the body-camera footage already within the scope of two court orders. If the Defendant had filed anything pro se it is usually ignored by the Circuit Court because the Court would ignore every pro se filing except only what his attorney files. The Defendant has the right to fight the fraud on the court even though the Court could argue that only his attorney could fight such fraud, but that makes no sense when the attorney colluded with the

Commonwealth's Attorney Glen Andrew Hall to destroy body-camera footage. The end result is Scott Albrecht is hired by Glen Andrew Hall as Assistant Commonwealth's Attorney. He got rewarded for all of the clients he screwed over and had them lose their trials. This is really bad fraud, severe fraud, that under the circumstances it is extrinsic fraud because of the circumstances. If Defendant filed any claim at all or any evidence, it would be ignored unless the Court accepted him proceeding pro se. Defendant was deceived because he didn't know about the court orders until after he was convicted. It all gives reasonable inferences to the fact that he had faced a rigged trial and was going to face a rigged jury trial. Evidence was destroyed, the destroyed evidence which would have had him acquitted. The ordered lab tests would have shown intoxication at the time Defendant was naked outdoors. The body-camera footage would have shown indication of intoxication. Evidence which would have caused the Defendant to have been found not guilty was all deleted and destroyed. That is fraud, that is deception, that is a rigged judicial process. A Court Trial is rigged when only one side presents evidence against you but destroys evidence which may create a different verdict when there were only two verdicts, guilty and not guilty, a conviction or acquittal.

Without an inquiry from this Court there are conflicts of interest issues not being resolved here. Without an inquiry from this Court due process of law had been permanently deprived here for the Defendant in this criminal case.

Also, no court of law can ignore evidence if it is admissible under the Rules of Evidence, as ignoring admissible evidence is a deprivation of due process of law.

Broam v. Bogan, 320 F.3d 1023, 1032 (9th Cir. 2003) (“An officer is not entitled to a qualified immunity defense, however, where exculpatory evidence is ignored that would negate a finding of probable cause. Kuehl v. Burtis, 173 F.3d 646, 651 (8th Cir. 1999).”). Bell v. U.S., 521 F. Supp. 2d 462, 464 (D. Md. 2007) (“An order is void under Rule 60(b)(4) "only if the court rendering the decision lacks personal or subject matter jurisdiction or acted in a manner inconsistent with due process of law." Wendt, 431 F.3d at 412; see also Eberhardt v. Integrated Design Constr., Inc., 167 F.3d 861, 871 (4th Cir. 1999). Courts narrowly construe the concept of a "void" order because it threatens the finality of judgments. Wendt, 431 F.3d at 413. "Only in the rare instance of a clear usurpation of power will a judgment be rendered void." In re Bulldog Trucking, Inc., 147 F.3d 347, 352 (4th Cir. 1998) ( quoting Lubben v. Selective Serv. Sys. Local Bd. No. 27, 453 F.2d 645, 649 (1st Cir. 1972)).”)

### EXHIBITS LIST

EXHIBITS #	EXHIBIT PAGES #	DESCRIPTION
EXHIBIT 1	1-4	Printout of email to Roberta Hill at <a href="mailto:rbhill67@comcast.net">rbhill67@comcast.net</a> , From: Kendall Davis <a href="mailto:kdavis@ci.martinsville.va.us">kdavis@ci.martinsville.va.us</a> ; Date: 2/13/2023, 3:01 PM; Subject:

		Re: Status of FOIA Request of Brian David Hill?
EXHIBIT 2	5-8	Digital Copy of Letter from Kendall Davis, Public Information Officer, City of Martinsville, Dated: February 10, 2023
EXHIBIT 3	9-13	Printout of email to Roberta Hill at <a href="mailto:rbhill67@comcast.net">rbhill67@comcast.net</a> , From: ROBERTA HILL <a href="mailto:rbhill67@comcast.net">rbhill67@comcast.net</a> ; Date: 2/13/2023, 3:37 PM; Subject: Fwd: Status of FOIA Request of Brian David Hill?; To: "Hon. Jean P. Nunn, Clerk of the Court" <jnunn@ci.martinsville.va.us> CC: Martinsville City Commonwealth's Attorney <ahall@ci.martinsville.va.us>, "stanleybolten@justiceforuswgo.nl" <StanleyBolten@justiceforuswgo.nl>, "kenstella2005@comcast.net" <kenstella2005@comcast.net>, Ken & Stella Forinash <kenstella@comcast.net>, "Hon. Giles Carter Greer (Judge)" <cgreer@ci.martinsville.va.us>
EXHIBIT 4	14-28	STATUS LETTER TO HONORABLE GILES CARTER GREER (JUDGE); CLERK OF MARTINSVILLE CIRCUIT COURT, Date: Tuesday, February 14, 2023
EXHIBIT 5	29-42	DECLARATION OF BRIAN DAVID HILL OF NEW EVIDENCE CONCERNING PUBLIC DEFENDER ASSISTANT SCOTT ALBRECHT IN SUPPORT OF MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF



		CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS; “Respectfully filed/submitted with the Court, This the 13th day of February, 2023.”
EXHIBIT 6	43-46	SHORT SUMMARY OF WHAT WAS PROVEN AS TO FRAUD ON THE COURT Prepared by Stella Forinash, edited and modified by Brian David Hill Case no. CR19000009-00, For Martinsville Circuit Court; Date: February 14, 2023
EXHIBIT 7	47-48	Printout of Email record originally held by Attorney Scott Albrecht, Email involving Jeanie Nunn, Nancy Sherman, Scott Albrecht, Andy Hall, and Judge Greer. Printout from case files given to Defendant from Attorney Matthew Scott Thomas Clark.

**48 pages total, ATTACHMENT EVIDENCE EXHIBIT INDEX PAGES**

**REQUEST FOR COURT TO PROVIDE EQUITABLE RELIEF AND ANY  
OTHER RELIEF**

Therefore, the Defendant prays that this Honorable Court order the following:

1. That the Circuit Court vacate or set aside its February 14th 2023 Order denying the Defendant’s “MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO

VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS”;

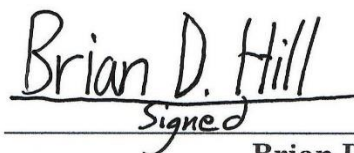
2. That the Circuit Court reconsider its February 14th 2023 Order denying the Defendant’s “MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS”;
3. That the Circuit Court investigate, then declare or make a factual finding that the Plaintiffs had defrauded the Court (made such a Fraud Upon the Court) based on three fraudulent or erroneous elements (medically cleared, intent, obscenity) of the criminal charge on September 21, 2018 which means that the Circuit Court can make a determination whether one to three elements in the original criminal prosecution are to be considered meritless, frivolous, baseless, and without clear and convincing evidence to support that even in light most favorable to the Commonwealth, the evidence is insufficient to sustain a conviction;
4. That the Circuit Court consider ordering based upon Section 8.01-428(D) and Section 8.01-428(B) that the Judgment on November 18, 2019 be vacated, or

voided, or made void, or set aside or be adjudged as acquitted with case dismissal with prejudice;

5. That the Circuit Court consider the evidence submitted by Defendant in support of this motion to be sufficient for the relief requested in this motion, or order an evidentiary hearing to question Robert Jones over the matter of Defendant not being medically and psychologically cleared as previous assumed because of being neglected by being prematurely released from the hospital;
6. That the Circuit Court consider the evidence submitted by Defendant in support of this motion to be sufficient for the relief requested in this motion, or order an evidentiary hearing to question Robert Jones over the matter of Defendant not being obscene as charged by the officer in the ARREST WARRANT;
7. That the Circuit Court consider vacatur, voiding, making void, setting aside, nullification of, or modification of the wrongful conviction dated November 18, 2019 (**EXHIBIT PAGE 2-4 OF 337**), and consider acquittal and dismissal of the entire criminal action case with prejudice;
8. That the Circuit Court waive and discharge any and all pending legal fees ever taxed, levied, or ordered against Defendant if the Circuit Court had determined that Defendant was fraudulently and/or erroneously prosecuted against and thus should not be held to pay any fees or fines or any protected SSI disability money since Defendant is innocent;

9. That the Circuit Court waive and discharge any and all pending legal fees ever owed by the Defendant pursuant to all legal matters and cases that had begun from the original charge and prosecution on September 21, 2018, if the Circuit Court had determined that Defendant is innocent because of the fraudulent elements by the Plaintiffs or erroneous elements by the Plaintiffs and thus should not be held to pay any fees or fines or any protected SSI disability money since Defendant is innocent;
10. That the Circuit Court consider providing any other relief or remedy that is just and proper, in the proper administration of justice and integrity for the Court.

Respectfully submitted with the Court, This  
the 17th day of February, 2023.

  
*Signed*

Brian D. Hill

Brian D. Hill  
Defendant

Former news reporter of U.S.W.G.O. Alternative News  
Ally of Q  
310 Forest Street, Apartment 2  
Martinsville, Virginia 24112  
(276) 790-3505



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**CERTIFICATE OF SERVICE, CERTIFICATE OF FILING**

Page **57** of **59**

I hereby certify that a true and accurate copy of the foregoing Motion was faxed or emailed/transmitted by my Assistant Roberta Hill at [rbhill67@comcast.net](mailto:rbhill67@comcast.net) (due to Probation Conditions of not being allowed to use the Internet) to have delivered this (1) pleading, (2) along with pleading filename: RECONSIDERATION-EXHIBITS-2-16-2023.pdf on the 17th day of February, 2023, to the following parties:

1. Commonwealth of Virginia
2. City of Martinsville

Again, by having representative Roberta Hill filing this (1) pleading, (2) along with pleading filename: RECONSIDERATION-EXHIBITS-2-16-2023.pdf on his behalf with the Court, through email address [rbhill67@comcast.net](mailto:rbhill67@comcast.net), transmit/faxed a copy of this pleading to the following attorneys who represent the above parties to the case:

Glen Andrew Hall, Esq. Commonwealth Attorney's Office for the City of Martinsville 55 West Church Street P.O. Box 1311 Martinsville, Virginia 24114/24112 Attorney for the Commonwealth Phone: (276) 403-5470 Fax: (276) 403-5478 Email: <a href="mailto:ahall@ci.martinsville.va.us">ahall@ci.martinsville.va.us</a>	Hon. Jeanie P. Nunn, Clerk of the Court Circuit Court for the City of Martinsville Phone: 276-403-5106 Fax: 276-403-5232 55 West Church Street, Room 205 P.O. Box 1206 Martinsville, VA 24114 Email: <a href="mailto:jnunn@ci.martinsville.va.us">jnunn@ci.martinsville.va.us</a>
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The reason why Brian David Hill must use such a representative to serve such pleading with the Clerk on his behalf is because Brian is currently still under the conditions of Supervised Release for the U.S. District Court barring internet usage

without permission. Brian's Probation Officer is aware of Roberta Hill using her email for conducting court business concerning Brian Hill or court business with the Probation Office in regards to Brian David Hill. Therefore Roberta Hill is filing the pleading on Brian's behalf for official court business. Brian has authorized her to file the pleading. All exhibits or any exhibits with anything printed from any internet based service was printed and researched by Roberta Hill.

That should satisfy the Certificate of Service regarding letters/pleadings during the ongoing Covid-19 pandemic. If the Court wishes to contact the filer over any issues or concerns, please feel free to contact the filer Brian David Hill directly by telephone or by mailing. They can also contact c / o Roberta Hill at [rbhill67@comcast.net](mailto:rbhill67@comcast.net) and request that she forward the message and any documents or attachments to Brian David Hill to view offline for his review.

  
Signed

Brian D. Hill

Brian D. Hill

Defendant

Former news reporter of U.S.W.G.O. Alternative News

Ally of Q

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

(276) 790-3505

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# EXHIBIT 1

**attached to: Motion to Reconsider the Order  
denying “MOTION FOR SET ASIDE OR  
RELIEVE DEFENDANT OF JUDGMENT OF  
CONVICTION OF CRIMINAL CHARGE  
PURSUANT TO VIRGINIA CODE § 8.01-428(D),  
VIRGINIA CODE § 8.01-428(A) AND VIRGINIA  
CODE § 8.01-428(B) ON THE BASIS OF FRAUD  
UPON THE COURT, CLERICAL FACTUAL  
ERRORS”**

**by Brian David Hill**

**Case no. CR19000009-00, Circuit Court, City of  
Martinsville, Virginia**

Ally of Q, Former news reporter of USWGO Alternative News  
JUSTICEFORUSWGO.WORDPRESS.COM



**Subject:** Re: Status of FOIA Request of Brian David Hill?

**From:** Kendall Davis <kdavis@ci.martinsville.va.us>

**Date:** 2/13/2023, 3:01 PM

**To:** ROBERTA HILL <rbhill67@comcast.net>

My apologies, I attached the wrong document. I had used Eric Monday's previous letter as a reference to format my response to your request, and accidentally uploaded the wrong file.

Here is the correct document, you should be receiving it in the mail this week.

Please be assured that the previous email was not the response to your FOIA request.

**Kendall Davis**

**Public Information Officer**

(O)276-403-5379

(M)276-734-0164

[kdavis@ci.martinsville.va.us](mailto:kdavis@ci.martinsville.va.us)



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**From:** ROBERTA HILL <rbhill67@comcast.net>

**Sent:** Friday, February 10, 2023 4:48 PM

**To:** Kendall Davis <kdavis@ci.martinsville.va.us>

**Cc:** foia@council@dls.virginia.gov <foia@council@dls.virginia.gov>; stanleybolten@justiceforuswgo.nl <stanleybolten@justiceforuswgo.nl>; Lin Wood <lwood@linwoodlaw.com>

**Subject:** Re: Status of FOIA Request of Brian David Hill?

**CAUTION:** This email originated outside the City of Martinsville's email system.

Do not click links or open attachments unless you recognize the sender and know the content is safe.

My son Brian Hill plans to file a suit in General District Court next week. As courtesy, I am emailing you evidence attachment that Attorney Eric Monday had his contract with the City of Martinsville terminated in December, 2022.

I am emailing proof that Attorney Eric Monday was no longer the attorney effective January 2, 2023. You should know that, yet you are sending an old 2019 letter as if it is a current response, an old 2019th response from an attorney who was terminated for service for the City of Martinsville on January 2nd before my son's FOIA request was even filed on January 20, 2023. This sounds like fraud to me or misrepresentation to file an old letter as a response to a more recent FOIA request. I don't even think you read over the whole thing.

**See attachment file: [article\\_3050f0a0-7bd3-11ed-a1a7-3361f9f28edb.html](https://martinsvillebulletin.com/news/local/council-terminates-city-attorneys-contract/article_3050f0a0-7bd3-11ed-a1a7-3361f9f28edb.html).pdf: Council terminates City Attorney's contract. See [https://martinsvillebulletin.com/news/local/council-terminates-city-attorneys-contract/article\\_3050f0a0-7bd3-11ed-a1a7-3361f9f28edb.html](https://martinsvillebulletin.com/news/local/council-terminates-city-attorneys-contract/article_3050f0a0-7bd3-11ed-a1a7-3361f9f28edb.html)**



Also My son and I reviewed over the letter but that response was not to the current FOIA request but to a FOIA request made in 2019 over an entirely different thing. Brian isn't just any member of the public, his lawyer had court orders for the body-camera footage and yet the Police have repeatedly refused to comply with those court orders. Your all breaking the law to protect those who illegally destroyed evidence which would have proven my son innocent of indecent exposure.

This is not a current response which you had sent digitally but a response from 2019 over an entirely different FOIA request in 2019 over a search warrant. My son was able to get that document from the Clerk, but the records are concerning police body-camera footage and it's unlawful destruction. Brian needs that record to prove in a court of law when the body-camera footage was illegally destroyed in his criminal case to prove FRAUD ON THE COURT. At this point the whole criminal case is a fraud anyways, and your all protecting lies and fraud over what??? My son had medical issues in 2018 and the police treated his medical issues and autism as a crime.

**My son will go ahead and file a lawsuit over not a current response but are filing a 2019 response over an entirely different matter.** My son says he plans to sue over this improper response which isn't even dated in the current year of 2023. Using a Eric Monday letter from 2019. Search warrants are different than records over body-camera footage. The courts have asked for the body-camera footage in three separate orders and the corrupt former police chief G. E. Cassidy kept stonewalling every request in violation of court orders. Your part of the cover up now, and this is documented for a court of law. **You are complicit in the cover up of evidence destroying body-camera footage which multiple courts had asked for.**

On 02/10/2023 1:51 PM Kendall Davis <kdavis@ci.martinsville.va.us> wrote:

I was able to get a response to his request this afternoon. Here is a digital response, I'll send one via mail on Monday morning.

**Kendall Davis**  
**Public Information Officer**  
(O)276-403-5379  
(M)276-734-0164  
[kdavis@ci.martinsville.va.us](mailto:kdavis@ci.martinsville.va.us)



---

**From:** ROBERTA HILL <rbhill67@comcast.net>  
**Sent:** Friday, February 10, 2023 1:19 PM  
**To:** Kendall Davis <kdavis@ci.martinsville.va.us>  
**Subject:** Fwd: Status of FOIA Request of Brian David Hill?

**CAUTION:** This email originated outside the City of Martinsville's email system.  
Do not click links or open attachments unless you recognize the sender and know the content is safe.

----- Original Message -----

From: ROBERTA HILL <rbhill67@comcast.net>

To: "mstrait@ci.martinsville.va.us" <mstrait@ci.martinsville.va.us>

Date: 02/10/2023 12:47 PM

Subject: Status of FOIA Request of Brian David Hill?

City Attorney of Martinsville, Virginia,

What is the status and case number of my son's FOIA Request dated January 20, 2023?

Brian faxed the FOIA request on January 20, 2023 but does not know if it has yet been assigned a case number yet.

They are attached.

1. Status Letter to City of Martinsville and Police on FOIA - February 10, 2023(1).pdf: Brian's letter asking for status on his earlier filed FOIA request;
2. Letter to City of Martinsville and Police on FOIA - January 20, 2023(2).pdf: Brian's original FOIA request letter
3. {2023-01-20} [2].pdf: Transmission tickets proving receipt of FOIA request letter.

Thanks,  
Roberta Hill

---

Attachments:

Brian Hill FOIA Request.pdf

149 KB

## EXHIBIT 2

**attached to: Motion to Reconsider the Order  
denying “MOTION FOR SET ASIDE OR  
RELIEVE DEFENDANT OF JUDGMENT OF  
CONVICTION OF CRIMINAL CHARGE  
PURSUANT TO VIRGINIA CODE § 8.01-428(D),  
VIRGINIA CODE § 8.01-428(A) AND VIRGINIA  
CODE § 8.01-428(B) ON THE BASIS OF FRAUD  
UPON THE COURT, CLERICAL FACTUAL  
ERRORS”**

**by Brian David Hill**

**Case no. CR19000009-00, Circuit Court, City of  
Martinsville, Virginia**

Ally of Q, Former news reporter of USWGO Alternative News  
JUSTICEFORUSWGO.WORDPRESS.COM





February 10, 2023

Brian David Hill  
310 Forest Street, Apt. 1  
Martinsville, VA 24112

Dear Mr. Hill,

Please see the following information in regards to your FOIA request. These answers were provided by Police Chief Rob Fincher.

#1

The Martinsville Police Department utilizes a server-based video system created by COBAN Tech Corporation which is now owned by Safe Fleet Inc. This system has a programed Digital Video Management System or DVMS. The DVMS follows a retention system for those videos that have not been marked as evidence by the Commonwealth's Attorney's Office. If the Commonwealth's Attorney's Office designates a video as evidence it is retained indefinitely. All other videos are subject to the DVMS retention schedule. The DVMS begins cleanup when a video is within the minimum and maximum hold period for its event classification and when the disk usage is more than 80% and have not been accessed in 150 days. DVMS cleanup refers to changing the file allocation address of that data file to allow for other data to be stored in place of that file. This is like all computer systems in that if you tell the computer to delete an item, it is not actually deleted but designated to be overwritten. The event type retention schedule for the DVMS is as follows;

Event Type	Minimum Days	Maximum Days
Assist other Agency	183	200
Assist other Officer	183	200
Vehicle Crash	183	200
Alarm – Business/Residential	120	150
Body Camera default	183	200
Criminal Apprehension	365	400
CIT – ECO – TDO	183	200

Disorderly Person / Group	183	200
Domestic	365	400
DUI-DUID	365	400
Funeral Escort	30	31
General Assistance	180	200
General Traffic Stop	365	400
Interview Rooms	365	366
Pursuit	365	400
Redlight/Stop Sign	200	201
Suspect Interview	365	400
Speeding	183	200
Training	200	300
Victim Interview	183	200
Video Training	10	11
Witness Interview	183	200

#2

If a court receives an item as evidence or potential evidence, then the court retains those items in their evidence storage. A court can issue a preservation order in certain circumstances for a limited time with certain data evidence. I have not heard of one ever being used for video data. It is mostly used for cellphone and telephone data. If litigation is filed within a court then the status of a video regarding that case would then be changed to “evidence” and then retained indefinitely. Notice of that litigation would have to be served on the department within the retention period followed. If a suit is filed after the evidence has been destroyed there is no way to “un-destroy” an item.

#3

In the records logs, I see that two videos, one body camera and one in-car camera, that were labeled David Hill from that date were removed (deleted) by the DVMS system on 4/9/2019. Neither video was indicated as evidence, so unfortunately, we do not have either. If I had the videos, I would have no problem giving them to you but unfortunately, I do not.

Sincerely

Kendall Davis

Public Information Officer

City of Martinsville

## EXHIBIT 3

**attached to: Motion to Reconsider the Order  
denying “MOTION FOR SET ASIDE OR  
RELIEVE DEFENDANT OF JUDGMENT OF  
CONVICTION OF CRIMINAL CHARGE  
PURSUANT TO VIRGINIA CODE § 8.01-428(D),  
VIRGINIA CODE § 8.01-428(A) AND VIRGINIA  
CODE § 8.01-428(B) ON THE BASIS OF FRAUD  
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**by Brian David Hill**

**Case no. CR19000009-00, Circuit Court, City of  
Martinsville, Virginia**

Ally of Q, Former news reporter of USWGO Alternative News  
JUSTICEFORUSWGO.WORDPRESS.COM



**Subject:** Fwd: Status of FOIA Request of Brian David Hill?

**From:** ROBERTA HILL <rbhill67@comcast.net>

**Date:** 2/13/2023, 3:37 PM

**To:** "Hon. Jean P. Nunn, Clerk of the Court" <jnunn@ci.martinsville.va.us>

**CC:** Martinsville City Commonwealth's Attorney <ahall@ci.martinsville.va.us>, "stanleybolten@justiceforuswgo.nl" <StanleyBolten@justiceforuswgo.nl>, "kenstella2005@comcast.net" <kenstella2005@comcast.net>, Ken & Stella Forinash <kenstella@comcast.net>, "Hon. Giles Carter Greer (Judge)" <cgreer@ci.martinsville.va.us>

(case no. CR19000009-00) Forward email of response to Brian David Hill's FOIA Request.

My son may write a short formal pleading about the new evidence surfaced from Kendall Davis at a later time. If he does, I will email you that. It does prove cover up of body-camera footage.

Thanks,  
Roberta Hill

on behalf of Defendant (since he cannot use the internet):

Brian David Hill  
310 Forest Street, Apartment 2  
Martinsville, Virginia 24112  
----- Forwarded Message -----

**Subject:**Re: Status of FOIA Request of Brian David Hill?

**Date:**Mon, 13 Feb 2023 20:01:11 +0000

**From:**Kendall Davis <[kdavis@ci.martinsville.va.us](mailto:kdavis@ci.martinsville.va.us)>

**To:**ROBERTA HILL <[rbhill67@comcast.net](mailto:rbhill67@comcast.net)>

My apologies, I attached the wrong document. I had used Eric Monday's previous letter as a reference to format my response to your request, and accidentally uploaded the wrong file.

Here is the correct document, you should be receiving it in the mail this week.

Please be assured that the previous email was not the response to your FOIA request.

**Kendall Davis**  
**Public Information Officer**  
(O)276-403-5379  
(M)276-734-0164  
[kdavis@ci.martinsville.va.us](mailto:kdavis@ci.martinsville.va.us)





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**From:** ROBERTA HILL <[rbhill67@comcast.net](mailto:rbhill67@comcast.net)>  
**Sent:** Friday, February 10, 2023 4:48 PM  
**To:** Kendall Davis <[kdavis@ci.martinsville.va.us](mailto:kdavis@ci.martinsville.va.us)>  
**Cc:** [foiacouncil@dls.virginia.gov](mailto:foiacouncil@dls.virginia.gov) <[foiacouncil@dls.virginia.gov](mailto:foiacouncil@dls.virginia.gov)>; [stanleybolten@justiceforuswgo.nl](mailto:stanleybolten@justiceforuswgo.nl) <[stanleybolten@justiceforuswgo.nl](mailto:stanleybolten@justiceforuswgo.nl)>; Lin Wood <[lwood@linwoodlaw.com](mailto:lwood@linwoodlaw.com)>  
**Subject:** Re: Status of FOIA Request of Brian David Hill?

**CAUTION:** This email originated outside the City of Martinsville's email system.

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**See attachment file: [article\\_3050f0a0-7bd3-11ed-a1a7-3361f9f28edb.html.pdf](#): Council terminates City Attorney's contract. See [https://martinsvillebulletin.com/news/local/council-terminates-city-attorneys-contract/article\\_3050f0a0-7bd3-11ed-a1a7-3361f9f28edb.html](https://martinsvillebulletin.com/news/local/council-terminates-city-attorneys-contract/article_3050f0a0-7bd3-11ed-a1a7-3361f9f28edb.html)**

Also My son and I reviewed over the letter but that response was not to the current FOIA request but to a FOIA request made in 2019 over an entirely different thing. Brian isn't just any member of the public, his lawyer had court orders for the body-camera footage and yet the Police have repeatedly refused to comply with those court orders. Your all breaking the law to protect those who illegally destroyed evidence which would have proven my son innocent of indecent exposure.

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**My son will go ahead and file a lawsuit over not a current response but are filing a 2019 response over an entirely different matter.** My son says he plans to sue over this improper response which isn't even dated in the current year of 2023. Using a Eric Monday letter from 2019. Search warrants are different than records over body-camera footage. The courts have asked for the body-camera footage in three separate orders and the corrupt former police chief G. E. Cassady kept stonewalling every request in violation of court orders. Your part of the cover up now,

and this is documented for a court of law. **You are complicit in the cover up of evidence destroying body-camera footage which multiple courts had asked for.**

On 02/10/2023 1:51 PM Kendall Davis <[kdavis@ci.martinsville.va.us](mailto:kdavis@ci.martinsville.va.us)> wrote:

I was able to get a response to his request this afternoon. Here is a digital response, I'll send one via mail on Monday morning.

Kendall Davis

Public Information Officer

(O)276-403-5379

(M)276-734-0164

[kdavis@ci.martinsville.va.us](mailto:kdavis@ci.martinsville.va.us)



---

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**Sent:** Friday, February 10, 2023 1:19 PM

**To:** Kendall Davis <[kdavis@ci.martinsville.va.us](mailto:kdavis@ci.martinsville.va.us)>

**Subject:** Fwd: Status of FOIA Request of Brian David Hill?

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----- Original Message -----

From: ROBERTA HILL <[rbhill67@comcast.net](mailto:rbhill67@comcast.net)>

To: "[mstrait@ci.martinsville.va.us](mailto:mstrait@ci.martinsville.va.us)" <[mstrait@ci.martinsville.va.us](mailto:mstrait@ci.martinsville.va.us)>

Date: 02/10/2023 12:47 PM

Subject: Status of FOIA Request of Brian David Hill?

City Attorney of Martinsville, Virginia,

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Brian faxed the FOIA request on January 20, 2023 but does not know if it has yet been assigned a case number yet.

They are attached.

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2. Letter to City of Martinsville and Police on FOIA - January 20, 2023(2).pdf: Brian's original FOIA request letter
3. {2023-01-20} [2].pdf: Transmission tickets proving receipt of FOIA request letter.

Thanks,  
Roberta Hill

---

— Attachments: —

Brian Hill FOIA Request.pdf

149 KB

## **EXHIBIT 4**

**attached to: Motion to Reconsider the Order  
denying “MOTION FOR SET ASIDE OR  
RELIEVE DEFENDANT OF JUDGMENT OF  
CONVICTION OF CRIMINAL CHARGE  
PURSUANT TO VIRGINIA CODE § 8.01-428(D),  
VIRGINIA CODE § 8.01-428(A) AND VIRGINIA  
CODE § 8.01-428(B) ON THE BASIS OF FRAUD  
UPON THE COURT, CLERICAL FACTUAL  
ERRORS”**

**by Brian David Hill**

**Case no. CR19000009-00, Circuit Court, City of  
Martinsville, Virginia**

Ally of Q, Former news reporter of USWGO Alternative News  
JUSTICEFORUSWGO.WORDPRESS.COM



**STATUS LETTER TO HONORABLE GILES CARTER GREER  
(JUDGE);  
CLERK OF MARTINSVILLE CIRCUIT COURT**

Tuesday, February 14, 2023

ATTN: Hon. Giles Carter Greer Presiding Judge Martinsville Circuit Court 55 W. Church Street Martinsville, VA 24114-1206 Phone: (276) 403-5106 Fax: (276) 403-5232 Email: <a href="mailto:cgreer@ci.martinsville.va.us">cgreer@ci.martinsville.va.us</a>	ATTN: Hon. Jean P. Nunn Clerk of the Court Martinsville Circuit Court 55 W. Church Street Martinsville, VA 24114-1206 Phone: (276) 403-5106 Fax: (276) 403-5232 Email: <a href="mailto:jnunn@ci.martinsville.va.us">jnunn@ci.martinsville.va.us</a>
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CC: Glen Andrew Hall, Esq. At [ahall@ci.martinsville.va.us](mailto:ahall@ci.martinsville.va.us) (City of Martinsville, Commonwealth of Virginia, Commonwealth's Attorney);

Hon. Giles Carter Greer (Judge) and Hon. Jeanie P. Nunn (Clerk),

I apologize for the amount of filings I been asking Roberta Hill to send to the Circuit Court electronically to file for me, but evidence is evidence, there is a lot of prima facie evidence to satisfy my burden of proof for proving fraud on the court which is believed to have been perpetuated on this Court's judicial machinery by Glen Andrew Hall, and I now have my final response to my FOIA Request since February 13, 2023. I will not need to file any FOIA lawsuit and have no need to ask any more FOIA questions at this time. I received the answers I need from a credible person from Martinsville Police Department, the Police Chief, and the evidence proves **Element 2** within the **Statement of the Facts** in support of my Motion on January 26, 2023.

The Clerk should also be in receipt of a pdf file named: **Brian Hill FOIA Request.pdf**, attached to an email from Kendall Davis, Public Information Officer, City of Martinsville, [kdavis@ci.martinsville.va.us](mailto:kdavis@ci.martinsville.va.us), (O)276-403-5379, (M)276-734-0164. This Court can contact him at any time or even the Police Chief for any further inquiry from this Honorable Circuit Court. Roberta

Hill forwarded that exact email with the attachment. Hopefully the Clerk is well in receipt of this pdf file and filed it in the record of the Circuit Court/Trial Court. Before I go any further in this letter.

At this point I have no more of a need to make any more filings until the Circuit Court makes a decision or orders me to appear before an Evidentiary Hearing or Inquiry Hearing or any hearing over the matters on my Motion for relief from judgment or setting aside judgment; the Motion which was filed on January 26, 2023.

I am sure you have already been emailed by Roberta Hill about a 3-page response to my FOIA Request dated January 20, 2023. The same FOIA Request letter filed as Exhibit 12 in support of my Motion. See EXHIBIT PAGE 202-209 OF 337, EXHIBIT 12, URGENT LETTER TO MARTINSVILLE POLICE DEPARTMENT AND CITY OF MARTINSVILLE – FOIA REQUEST and Fax Transmission Tickets).

I have reviewed over the response letter and have taken the time to review over it. I asked Roberta Hill to forward the emails to both the Clerk and to yourself your Honor, the Honorable Judge Greer. I wanted to make sure you have the source email and the answer document. That is the answer by the current Police Chief of the Martinsville Police Department.

This answer document from the Chief of Police Rob Fincher proves that the Commonwealth Attorney Glen Andrew Hall and Attorney Scott Albrecht are both AT FAULT for unlawful destruction of the body-camera footage recorded by Officer Robert Jones of Martinsville Police Department, recorded on September 21, 2018.

The Police Chief said from what it sounded like in his response that they were supposed to be served with the legal documents of the lawsuit or be made aware of the lawsuit civil litigation or criminal litigation and that the body-camera footage is tied to that litigation as “evidence”, and was supposed to be marked as evidence so that it would not be deleted/spoliated indefinitely. It sounds to me like even though Robert Jones had filed the CRIMINAL COMPLAINT and ARREST WARRANT on September 21, 2018,

the Commonwealth Attorney did not designate the body-camera footage as evidence and there was no push to preserve that evidence either, despite the Court Orders which the body-camera is within the scope of those court orders. Two Court Orders were filed in the Martinsville judicial systems, before the deletion of the video file of the body-camera footage. It was not designated as evidence despite multiple letters being mailed to the former Police Chief G. E. Cassady. I am attaching what I found in my evidence box, I am attaching a photocopy of a “return receipt” and “certified mail receipt” and a photocopy of the typed letter mailed to Martinsville Police Department, to G. E. Cassady asking for the body-camera footage. See **EXHIBIT PAGE 240-242 OF 337, EXHIBIT 15.**

See attachment to this letter thereafter: **Photocopy of return receipt and certified mail receipt.pdf**: 6 pages (six pages) of evidence documentation. First 2 pages are photocopy of signed return receipt (front and back) and certified mail receipt. Next two pages is the typed letter, a true photocopy of the mailed letter, same as what was filed earlier in the Circuit Court record and in **EXHIBIT PAGE 240-242 OF 337, EXHIBIT 15.** Then the next page is the scanned photocopy of the envelope Stella and Kenneth Forinash had used for the mailing with that letter. The last page is my originally written letter from FCI-1 Butner, North Carolina to Police Chief G. E. Cassady, dated January 19, 2019, but it does say “For Jason McMurray”. That printed photocopy must have been a photocopy where I hand written on that photocopy who it was for. So I had tried to mail a copy to USPO Jason McMurray. So he was aware of my letter to G. E. Cassady too, I assume.

Anyways if you review over the filed: **“Brian Hill FOIA Request.pdf”** dated February 10, 2023, and was filed with the Clerk yesterday, on February 13, 2023, also a copy was emailed to yourself, the Honorable Judge Greer. When you review over what was said, it does prove the substance of my filed: **“MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS”.**

I shall copy and paste some of what was said in that letter:

See Page 2 of 3 of response letter from Police Chief:

#3 In the records logs, I see that two videos, one body camera and one in-car camera, that were labeled David Hill from that date were removed (deleted) by the DVMS system on 4/9/2019. Neither video was indicated as evidence, so unfortunately, we do not have either. If I had the videos, I would have no problem giving them to you but unfortunately, I do not.

This proves that Glen Andrew Hall had violated or not complied with two court orders since the deletion of evidence was done after those orders, and that non-compliance or violation carried over to the third court order for discovery. Your Honor, you can check your two court orders dated February 6, 2019 and July 15, 2019. Then there is also the General District Court's order dated November 28, 2018. All of those orders were not complied with by Glen Andrew Hall, Esquire, Commonwealth's Attorney in this case.

Also once a criminal case is filed, the body-camera footage was supposed to be marked as evidence according to Police Chief Rob Fincher. It was not marked as evidence, the Commonwealth Attorney did not do this, Glen Andrew Hall didn't properly ask the Police Department to preserve the footage. He is at fault here along with G. E. Cassady.

I had proven to this Court and to you, your Honor, that I had mailed two letters to former Police Chief G. E. Cassady. Stella and Kenneth Forinash mailed a typed version asking for body-camera footage in March 13th/mailed on March 14, 2019. The signed return receipt attached to this letter proved receipt.

That letter and return receipt, the photocopy of that typed letter was the last mailing on March 14, 2019 sent to Martinsville Police Department or to Police Chief G. E. Cassady of Martinsville Police Department before the destruction of the body-camera footage on April 9, 2019. It was destroyed by deletion.



I refer back to Page 26 of the MOTION pending before your Court: See **Element 2: The Plaintiffs were ordered three separate times by two Courts in total (General District Court, Circuit Court) including this Court to have provided discovery evidence to the Defendant and/or to his court appointed attorney which includes any recorded statement of the Defendant made to law enforcement concerning the criminal charge; instead the Plaintiffs' had destroyed the discovery evidence of the police body-camera footage during the pendency of the criminal trial proceedings and litigation, then they demand a jury trial despite knowing that they destroyed evidence favorable to the Defendant in violation of three separate court orders which is CONTEMPT OF COURT; ..... 26.**

The body-camera footage should have never been deleted “**by the DVMS system on 4/9/2019**”. April 9, 2019. The Commonwealth Attorney was fully made aware by the Court two different times for Orders for Discovery prior to the evidence being deleted which falls within the scope of what was defined in those court orders; which is unlawful spoliation of evidence, and on the third order dated July 15, 2019.

The Police Chief is a credible witness and whoever he asked to look through the records of Martinsville Police Department. This credible witness has responded with very credible information. Proving that the body-camera **footage was deleted without being MARKED AS EVIDENCE, on April 9, 2019** while I was still in federal custody at the Federal Correctional Institution 1 in Butner, North Carolina.

**This proves Element 2 of the Statement of the Facts within my filed Motion on January 26, 2023.** This proves my claims beyond a reasonable doubt, prima facie evidence.

Since Element 2 has been satisfied, I ask you, your Honor, that you permit me to establish a Fact of an adverse inference meaning that I am permitted to establish a fact which I believe would have been proven with the spoliation of evidence purposefully by the Commonwealth's Attorney Glen Andrew Hall.

I shall cite the very adverse inference I would like the Circuit Court to adopt as a fact with the spoliation of the body-camera footage proven

through unlawful destruction of the material evidence within the scope of the Circuit Court order dated February 6, 2019 and July 15, 2019.

I shall copy and paste some of what was said in that letter:  
See Page 38-39 of 107 of MOTION filed January 26, 2023; Motion-Circuit-Court1-26-2023.pdf:

**Proffered adverse Inference:** Defendant asserts under adverse inference that the destroyed police body-camera footage would have proven that the Defendant was intoxicated, was dehydrated, and/or had exhibited behaviors which may be an indication of being intoxicated during the questioning of Brian David Hill as to why he was naked. That evidence which was destroyed would have shown Defendant being intoxicated or not in his right state of mind when Officer Robert Jones had spoken with the Defendant during the activation of his body-camera on his person, on his uniform. The body-cam footage would have shown footage not favorable to the Martinsville Police Department in how they handled the situation of a person with medical issues including a neurological disability of autism spectrum disorder and Type 1 brittle diabetes. That is what the Defendant is proffering to this Court as a fact of an adverse inference. Defendant is entitled to an adverse inference when the Plaintiffs had not complied with three court orders for discovery evidence materials and had destroyed evidence subject to those three court orders.

If this Circuit Court does adopt my proffered fact through an adverse inference due to the unlawful destruction of evidence within the scope of the multiple court orders, then I ask that the Honorable Circuit Court go ahead and establish the fact in my Statement of the Facts that “*the destroyed police body-camera footage would have proven that the Defendant was intoxicated, was dehydrated, and/or had exhibited behaviors which may be an indication of being intoxicated during the questioning of Brian David Hill as to why he was naked. That evidence which was destroyed would have shown Defendant being intoxicated or not in his right state of mind when Officer Robert Jones had spoken with the Defendant during the activation of his body-camera on his person, on his uniform.*”

The Honorable Court now has prima facie evidence/proof of **Element 2**

of the Statement of the Facts on the issue of fraud on the court by proving **Element 2**. See page 38-39 of 107 of MOTION filed January 26, 2023; Motion-Circuit-Court1-26-2023.pdf.

The response by the new Police Chief Rob Fincher shows that evidence was deleted/spoliation after a criminal case litigation, and that was not supposed to happen according to the Police Chief. The fault is within the Commonwealth Attorney Office and former Police Chief G. E. Cassady who was notified in writing three separate times. Two court orders, and the third court order after the destruction of the body-camera footage. The fault entirely would also include Scott Albrecht, Glen Andrew Hall, and former Police Chief G. E. Cassady. All three are at fault for the spoliation of evidence. I had proven that before this Court. Have I not proven this fact???

Stella Forinash prepared a Microsoft Word draft file in .docx format of what was originally called a diagram draft page of a short summary of different issues concerning fraud on the court, the different issues in the criminal case showing a shaky or fraudulent foundation of the very criminal charge. I have decided to entitle it a **SHORT SUMMARY OF WHAT WAS PROVEN AS TO FRAUD ON THE COURT**; Prepared by Stella Forinash, edited and modified by Brian David Hill. This is a short summary, a few pages explaining in a nutshell the various issues of fraud which constituted a fraud upon the court by the Commonwealth's Attorney. It isn't just unlawful destruction of the body-camera footage, it wasn't just non-compliance with court orders. It is also about the police quickly charging Brian David Hill within a few hours or less on very shaky grounds without even a thorough investigation, and never verifying whether or not Brian David Hill was in fact medically and psychologically cleared when charged. All elements have been proven and satisfied to the satisfaction of this Honorable Circuit Court.

Brian David Hill = Innocence, because I am innocent, I can never be convicted of my charge on September 21, 2018, and should not be as it stands with the prima facie evidence and facts which had been laid out since **MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA**

CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS. I have satisfied the burden of proof.

If the Circuit court still is not convinced that I have satisfied the burden of proof necessary of my motion for relief being granted, this Court is free to order an evidentiary hearing or mail interrogatories to the witnesses, and ask the Police Chief about the evidence deletion in 2019. This Court should conduct an inquiry on all of the issues in the filed Motion.

Then there is new evidence about Scott Albrecht which this Court has a duty to conduct an inquiry to determine if a conflict of interest did exist or exists right now regarding Scott Albrecht working for the prosecution after representing the very same criminal defendant. At least he should recuse himself from any involvement with Brian Hill's cases from the prosecution side since this same attorney had represented Brian Hill prior to being hired by the Commonwealth's Attorney Glen Andrew Hall.

Thank you for your time and attention to this matter.

Where We Go One We Go All (WWG1WGA), Nothing Can Stop What Is Coming (NCSWIC).



Brian D. Hill

God bless you,  
Brian D. Hill  
Defendant

Ally of Q, Former news reporter of U.S.W.G.O. Alternative News  
310 Forest Street, Apartment 2  
Martinsville, Virginia 24112  
(276) 790-3505

[JusticeForUSWGO.NL](http://JusticeForUSWGO.NL) or [JusticeForUSWGO.wordpress.com](http://JusticeForUSWGO.wordpress.com)

**U.S.W.G.O.**



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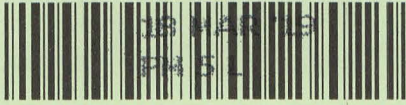
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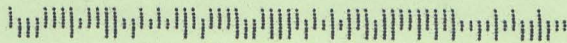
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January 19, 2019 (Typed letter March 13, 2019)

Dear Chief of Police of Martinsville Police Dept: G. Edward Cassady

CC: Commonwealth Attorney, Case no C18-3138,

55 West Church Street Municipal Building Martinsville, VA 24112

Martinsville Circuit Court case Discovery Request

Under Virginia Code in regards to discovery requirements for misdemeanor and felony trials in the Commonwealth of Virginia, Brady v Maryland, Giglio v U.S., Brian Hill hereby requests a copy of Police-Camera footage presumably recorded by Sgt. R.D. Jones of Martinsville Police Department between the times of 3:00AM and 4:00AM, September 20, 2018, where I gave statements about the man wearing the hoodie, who had threatened to kill my mother Roberta Hill on the late night of September 20, 2018. Please turn over that Police body camera footage recording evidence copy to my Attorney Scott Albrecht of the Martinsville Public Defender Office, As Soon As Possible. Thank you for your service.

My Respects,

Brian D. Hill (Signed)

Dated January 19, 2019

P.S. Brian Hill has Autism Spectrum Disorder in DMV handicap placard records

Brian David Hill #29947-057 Federal Correctional Institution 1  
Old NC Hwy 75; P.O. Box 1000 Butner, NC 27509  
JusticeForUSWGO.wordpress.com USWGO

(Letter 1)

**Copy of note mailed with letter dated January 19, 2019**

**Chief of Police and Commonwealth Attorney in Martinsville,  
VA,**

**Please acknowledge receipt of letters. Please write response.**

**Thank you**

**Brian D. Hill**

**God bless you!**

**Note: In a week of no response, I will assume that it was lost and mail another copy. Thanks.**

**Note from Brian's grandparents. Brian wrote this on January 19, 2019 and January, 20, 2019. He received no response, He sent it again and received no response a week later. After waiting almost two months, his grandparents will have to go to the post office and send this out return receipt requested. You also should know that Brian has been on disability since the age of 19 months; has brittle diabetes requiring insulin shots, has seizures, autism, anxiety and OCD. His actions that night were not normal. He was a victim who was arrested and sent to jail by the police who are supposed to protect its citizens and disabled. Brian's mom and grandparents were at the trial and noticed the prosecuting attorney making derogatory comments and making fun of this disabled citizen of Martinsville in front of his family and many other people in the court room.**



KEN & STELLA FORINASH  
916 CHALMERS ST, APT A  
MARTINSVILLE, VA 24112

G. E. CASSADY, CHIEF OF POLICE  
MARTINSVILLE POLICE DEPARTMENT  
55 WEST CHURCH ST.  
MARTINSVILLE, VA 24112

Dear Chief of Police of Martinsville Police Dept.,  
 CC: Commonwealth Attorney, Case no. C18-3138,  
 55 West Church Street, For Jason McMurray  
 Municipal Building,  
 Martinsville, VA 24112, Martinsville Circuit Court case  
 Discovery Request

Under Virginia Code in regards to discovery requirements for misdemeanor and felony trials in the Commonwealth of Virginia, Brady v. Maryland, Giglio v. U.S., Brian David Hill hereby requests a copy of Police Body-Camera footage presumably recorded by Sgt. R.D. Jones of Martinsville Police Department between the times of 3:00AM and 4:00AM, September ~~20~~ 21, 2018, where I gave statements about the man wearing the hoodie who had threatened to kill my mother Roberta Hill on the late night of September 20, 2018. Please turn over that Police body camera footage recording evidence copy to my Attorney Scott Albrecht of the Martinsville Public Defender Office, As Soon As Possible. Thank You for your service.

My Respects,

Brian D. Hill

Signed

Brian David Hill #29947-057

Federal Correctional Institution 1

Old NC Hwy 75; P.O. Box 1000

Butner, N.C. 27509

JusticeForUSWGO.wordpress.com

U.S.W.G.O.

Dated January 19, 2019.

P.S. Brian Hill has Autism  
 Spectrum Disorder in DMV  
 handicap placard records.

## EXHIBIT 5

**attached to: Motion to Reconsider the Order  
denying “MOTION FOR SET ASIDE OR  
RELIEVE DEFENDANT OF JUDGMENT OF  
CONVICTION OF CRIMINAL CHARGE  
PURSUANT TO VIRGINIA CODE § 8.01-428(D),  
VIRGINIA CODE § 8.01-428(A) AND VIRGINIA  
CODE § 8.01-428(B) ON THE BASIS OF FRAUD  
UPON THE COURT, CLERICAL FACTUAL  
ERRORS”**

**by Brian David Hill**

**Case no. CR19000009-00, Circuit Court, City of  
Martinsville, Virginia**

Ally of Q, Former news reporter of USWGO Alternative News  
JUSTICEFORUSWGO.WORDPRESS.COM





**VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE**

**COMMONWEALTH OF VIRGINIA,**  
**CITY OF MARTINSVILLE,**  
**PLAINTIFF(s),**

CASE NO: CR19000009-00

**v.**

**BRIAN DAVID HILL,**  
**DEFENDANT.**

**DECLARATION OF BRIAN DAVID HILL OF**  
**NEW EVIDENCE CONCERNING PUBLIC**  
**DEFENDER ASSISTANT SCOTT ALBRECHT IN**  
**SUPPORT OF MOTION FOR SET ASIDE OR**  
**RELIEVE DEFENDANT OF JUDGMENT OF**  
**CONVICTION OF CRIMINAL CHARGE**  
**PURSUANT TO VIRGINIA CODE § 8.01-428(D),**  
**VIRGINIA CODE § 8.01-428(A) AND VIRGINIA**  
**CODE § 8.01-428(B) ON THE BASIS OF FRAUD**  
**UPON THE COURT, CLERICAL FACTUAL**  
**ERRORS**

**DECLARATION OF BRIAN DAVID HILL OF NEW EVIDENCE CONCERNING PUBLIC**  
**DEFENDER ASSISTANT SCOTT ALBRECHT IN SUPPORT OF MOTION FOR SET**  
**ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL**  
**CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-**  
**428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE**  
**COURT, CLERICAL FACTUAL ERRORS**

Respectfully filed/submitted with the Court,

This the 13th day of February, 2023.



*Brian D. Hill*  
*Signed*

Brian D. Hill

Brian D. Hill  
 Defendant

Former news reporter of U.S.W.G.O. Alternative News  
 Ally of Q  
 310 Forest Street, Apartment 2, Martinsville, Virginia 24112  
 (276) 790-3505



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Pursuant to the Virginia Code § 8.01-4.3. “Unsworn declarations under penalty of perjury; penalty.”, criminal defendant Brian David Hill hereby state as follows to the Circuit Court for the City of Martinsville under penalty of perjury,

1. I am Brian David Hill, criminal defendant in this case. I am a party to this litigation. CASE NO: CR19000009-00. I had filed the “MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS” on January 26, 2023. This Declaration is based on recently discovered evidence.

2. On September 21, 2018, I was appointed a Public Defender by the General District Court due to being considered indigent which is also termed as In Foruma Pauperis in the Federal Court system. The Assistant Public Defender who represented me was Scott Albrecht. He had first met with me in Martinsville City Jail along with an assistant after the Public Defender was appointed, after I was arrested and was considered indigent.

3. Yesterday, my mother Roberta Hill was researching people to contact as I am considering filing a FOIA Lawsuit against Kendall Davis, Public Information Officer for the City of Martinsville, and against Martinsville Police Department. I am considering filing a FOIA lawsuit if no written response in a certain number of

days, or if my FOIA Request is refused even after me filing my addendum and declaration under penalty of perjury which is also an addendum to my original FOIA Request.

4. I am aware that Roberta found in the Staff Directory at the City of Martinsville website, just out of curiosity, an Assistant Commonwealth Attorney named Scott Albrecht. She shown this to me last night. The same name as the very attorney Scott Albrecht who was an Assistant Public Defender in the City of Martinsville, who represented me in General District Court and in the Circuit Court in my criminal case. I haven't yet confirmed whether this "Scott Albrecht" is the same Attorney Scott Albrecht who was supposed to represent me as my court appointed lawyer in 2018-2019, and if it is the same then I believe the Circuit Court would need to conduct an inquiry as to whether a conflict of interest exists in him assisting the Commonwealth Attorney Glen Andrew Hall who had prosecuted me after I was charged with a crime in this case, originally in the General District Court. See Rules of Professional Conduct 1.3, 1.6 and 1.7; see also *Holloway v. Arkansas*, 435 U.S. 475 (1978); *Dowell v. Commonwealth*, 3 Va. App. 555 (1987). I asked Roberta Hill to print out in PDF Format the Staff Directory webpage at: <https://www.martinsville-va.gov/Directory.aspx?did=25> and Wayback Machine archive at <http://web.archive.org/web/20230213050244/https://www.martinsville-va.gov/Directory.aspx?did=25> (text links/urls provided by Roberta Hill).

5. I hereby attach to this Declaration/unsworn-affidavit a true and correct printout of the web-link address at: <https://www.martinsville-va.gov/Directory.aspx?did=25>, 2 pages printout, of the Staff Directory • Martinsville, VA • CivicEngage. This is attached to this Declaration thereto.

6. I wasn't entirely trusting of Attorney Scott Albrecht because of past issues with court appointed lawyers in my Federal Case in the Middle District of North Carolina. In fact, I had gut feelings which led me to doing pro se things and filing things pro se. Including writing a letter in January 2019 and mailing a photocopy of the same to the Chief of Police requesting the body-camera footage.

7. While I was at Martinsville City Jail and I believe it was around sometime in November 2018, he spoke with me in the jail about him pushing to get the discovery including the photographs of me naked. He told me I was innocent and said that being naked is not illegal because I was not being obscene, that was why I later did case law research when I was in Western Virginia Regional Jail after I was found guilty in General District Court. Scott Albrecht told me that me and him would go over the photos together of me to see under the legal determination if I was aroused in the photos of me naked. Clearly there should have been review over all discovery evidence before the Trial on December 21, 2018. I do not recall ever going over the photos with him to see if we can make any determination. I do not remember, I am trying to remember and I cannot, I do not believe he and me ever

went over the discovery evidence before the Trial in the General District Court on December 21, 2018. The first time I saw the introduced evidence of the printouts of the photos of me in the nude by the Commonwealth Attorney Glen Andrew Hall was at the Trial in the General District Court. I had also filed a pleading in the General District Court about what me and Scott Albrecht talked about, about him telling me that I was innocent. I had filed it in the GD paperwork on November 29, 2018, filed by the Clerk of the General District Court. I did try to mail it out on November 26, 2018 from the jail where I was at the time, and it was filed by the Clerk on November 29, 2018, so technically it was filed on November 29, 2018.

8. There were funny things going on during the Trial in the General District Court. Like Scott Albrecht shown no case law about obscenity being required to have me found guilty of Virginia Code § 18.2-387. See *Romick v. Commonwealth*, Record No. 1580-12-4 (Va. Ct. App. Nov. 19, 2013), *Moses v. Commonwealth*, 45 Va. App. 357, 360, 611 S.E.2d 607, 608 (2005) (en banc), etc etc. He did read the statute of obscenity, and Glen Andy Hall did argue that the defendant “was not charged with obscenity”, I remember Andy Hall saying those words that I “was not charged with obscenity”. I remember him arguing those words. Later on, when I re-read the Arrest Warrant against me, it did charge me with intentionally making an obscene display. So, Mr. Hall was trying to argue a mis-argument in the General District Court. The judge heard me testify under penalty of perjury making



statements about the man wearing the hoodie. Scott Albrecht did ask the Officer Robert Jones if Brian approached anybody and that person screaming “oh my God!” and the officer admitted that I didn’t. Officer Jones’s testimony did support the fact that I was not obscene because in the totality of circumstances I was not trying to appeal to the prurient interest in sex. However, my family members who were present at my Trial watched Scott Albrecht as he argued my case and thought he was kind of letting Glen Andy Hall walk all over him and dominating the Trial proceeding. My mother told me the opinion about him letting Andy Hall kind of dominate the Trial, my grandparents thought he was not doing a good job as an attorney, so this Court may want to question Roberta Hill, Stella Forinash, and Kenneth Forinash. They thought he was kind of a poor lawyer meaning a lawyer who did a poor job defending me, that he wasn’t a good trial attorney.

8. After the judge found me guilty in General District Court, I whispered or said in a low voice to Attorney Scott Albrecht that I wanted him to appeal the decision and told him that I want to appeal it in fear that my supervised release would be violated. Then he said in response that: “your supervised release is already revoked”, and then I was taken away by the officers. I was upset at Scott Albrecht. This Court can also review over the “PUBLIC DEFENDER TIME SHEET”, and I believe it was filed in General District Court on December 21, 2018. It said the total number of hours he spent out of court was 1 hour, and the

time “In Court” was only 20 minutes. A very short Trial in the General District Court. He didn’t really spend a lot of time in the case according to his filed “PUBLIC DEFENDER TIME SHEET” in the General District Court. Scott Albrecht was a terrible lawyer and I had wondered why he was.

9. I am not sure if Scott Albrecht ever filed a notice of appeal, as I tried to get it mailed off my pro se notice of appeal the same day I was found guilty, that I had asked him to do verbally. In fact, the record of the General District Court shown that I had initiated a pro se written notice of appeal in the General District Court which would have brought the case to the Circuit Court, this very case itself, it was me who pushed a pro se written notice of appeal to the Circuit Court and then there was another notice of appeal form with the signature of Scott Albrecht who was supposed to do what I had asked him to do and appeal the decision. It seemed like me trying to file the appeal pro se caused him to have his signature in a form notice of appeal document as I see from the record. This attorney seemed sketchy to me, I didn’t 100% trust him and my trust meter started lowering after I had to file a written notice of appeal. Scott Albrecht told me I was innocent and did nothing illegal but I was found guilty by the judge, why??? I do believe he was right but he didn’t handle the case the right way and that made me skeptical about my own lawyer.

10. I will admit he did a great job getting me released on bond/bail conditions which I complied with to the letter. I will admit he did push for three court orders in my criminal case for discovery. However, he was deficit in any push for sanctions or enforcement. He never pushed to compel compliance with those court orders, even though he is supposed to be an officer of the court at those times. Albrecht never pushed for sanctions for destruction of evidence, and Matthew Scott Thomas Clark never pushed for sanctions for destruction of evidence. Albrecht never pushed for any inquiring into non-compliance with the very court orders he pushed for. He didn't do his duty as an officer of the Court, he pushed for court orders but when they were not being complied with because of no body-camera footage being turned over to defense counsel or I was never given any indication of ever receiving the body-camera footage or copy of the same.

11. Now it all makes sense. If the same Scott Albrecht who had represented me, if this is the same attorney who seems to be named as the Assistant Commonwealth's Attorney, then this makes me suspect collusion between the Commonwealth Attorney and defense attorney even more. When I had filed the Motion asking for relief over fraud on the court on January 26, 2023, I had suspicions that it was either Scott Albrecht had colluded with the Commonwealth Attorney over destruction of body-camera footage and not pushing for compliance with those very court orders he pushed for, either collusion or ineffective assistance

of counsel meaning my counsel did a terrible job as an attorney and was deficient. If this “Scott Albrecht” who is an Assistant Commonwealth Attorney to Glen Andrew Hall, Esq. the Commonwealth Attorney, if this is the same attorney who had represented me in the General District Court, then it all makes sense to me why I was found guilty as charged. The Trial was rigged in my opinion to have me found guilty with a rigged defense attorney; this can be proven now with all of the deficiencies of Scott Albrecht. If this is the same Scott Albrecht, then I have no choice but to inform the Circuit Court that my Trial in the General District Court, I feel it was rigged against me. When my own court appointed lawyer who did a terrible job defending me, I am found guilty, no enforcement of court orders not complied with by Glen Andrew Hall that he pushed for as my defense attorney, no asking for sanctions for noncompliance with those court orders, and then a “Scott Albrecht” works for the very same prosecuting attorney who prosecuted me at the Trial in the General District Court on December 21, 2018, with Scott Albrecht as my defense attorney.

12. I have a right to feel suspicious. Seeing the same name “Scott Albrecht” working for the other side in my case, working for Glen Andrew Hall aka Andy Hall the Commonwealth Attorney who is the prosecuting attorney for my case in General District Court and in the Circuit Court.

13. My suspicions are warranted here. The argument is this to the best of my opinion and belief under penalty of perjury. If my lawyer did such a terrible job as the Trial attorney in the General District Court, meaning he is not a very good lawyer, then why is he hired by the Commonwealth Attorney and paid by the Commonwealth Attorney or whatever as that name is clearly shown in the Staff Directory for the City of Martinsville??? I don't know when he was hired and why he was hired, and don't know if it is the same Scott Albrecht but the odds are very remote that it could be a different attorney named Scott Albrecht. The possibility that it may be a different Scott Albrecht who happens to be an attorney, working in Martinsville or for the Commonwealth Attorney in Martinsville. If he was such a poor lawyer who did a poor job at my case, then why was he named as an Assistant Commonwealth's Attorney??? That would make him a traitor. This is unethical, this is unprofessional, this is a conflict of interest if it wasn't already. That makes me suspicious that I felt that he definitely took part in defrauding the court as claims I had brought up in my filed Motion on January 26, 2023.

14. I feel that it is warranted for the Honorable Circuit Court to conduct an inquiry of Glen Andrew Hall, Esquire about his: "Assistant Commonwealth's Attorney" named "Scott Albrecht". This is definitely a conflict of interest in my opinion. Glen Andy Hall needs to file a letter with the Court stating under penalty of perjury that Scott Albrecht needs to recuse himself from the prosecution team

regarding this criminal case. That would be ethical to me. Scott Albrecht needs to recuse himself if it is the very same Scott Albrecht. I am concerned here, extremely concerned.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 13, 2023.



*Brian D. Hill*  
*Signed*

Brian D. Hill

Brian D. Hill  
Defendant

Former news reporter of U.S.W.G.O. Alternative News

Ally of Q

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

(276) 790-3505



[JusticeForUSWGO.NL](http://JusticeForUSWGO.NL) or [JusticeForUSWGO.wordpress.com](http://JusticeForUSWGO.wordpress.com)

### **CERTIFICATE OF SERVICE, CERTIFICATE OF FILING**

I hereby certify that a true and accurate copy of the foregoing Motion was  
emailed/transmitted by my Assistant Roberta Hill at [rbhill67@comcast.net](mailto:rbhill67@comcast.net) (due to  
Probation Conditions of not being allowed to use the Internet) to have delivered this  
Page 11 of 13

(1) pleading and attachment of 2-page printout on the 13th day of February, 2023, to the following parties:

1. Commonwealth of Virginia
2. City of Martinsville

Again, by having representative Roberta Hill filing this pleading and attachment of 2-page printout on his behalf, filing with the Court, through email address [rbhill67@comcast.net](mailto:rbhill67@comcast.net), transmit a copy of this pleading to the following attorneys who represent the above parties to the case:

Glen Andrew Hall, Esq. Commonwealth Attorney's Office for the City of Martinsville 55 West Church Street P.O. Box 1311 Martinsville, Virginia 24114/24112 Attorney for the Commonwealth Phone: (276) 403-5470 Fax: (276) 403-5478 Email: <a href="mailto:ahall@ci.martinsville.va.us">ahall@ci.martinsville.va.us</a>	Hon. Jean P. Nunn, Clerk of the Court Circuit Court for the City of Martinsville Phone: 276-403-5106 Fax: 276-403-5232 55 West Church Street, Room 205 P.O. Box 1206 Martinsville, VA 24114 Email: <a href="mailto:jnunn@ci.martinsville.va.us">jnunn@ci.martinsville.va.us</a>
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The reason why Brian David Hill must use such a representative to serve such pleading with the Clerk on his behalf is because Brian is currently still under the conditions of Supervised Release for the U.S. District Court barring internet usage without permission. Brian's Probation Officer is aware of Roberta Hill using her email for conducting court business concerning Brian Hill or court business with the Probation Office in regards to Brian David Hill. Therefore, Roberta Hill is filing the pleading on Brian's behalf for official court business. Brian has authorized her to file the pleading.

All exhibits or any exhibits with anything printed from any internet-based service was printed and researched by Roberta Hill.

That should satisfy the Certificate of Service regarding letters/pleadings during the ongoing Covid-19 pandemic. If the Court wishes to contact the filer over any issues or concerns, please feel free to contact the filer Brian David Hill directly by telephone or by mailing. They can also contact c / o Roberta Hill at [rbhill67@comcast.net](mailto:rbhill67@comcast.net) and request that she forward the message and any documents or attachments to Brian David Hill to view offline for his review.

Brian D. Hill  
Signed

Brian D. Hill  
Signed

Brian D. Hill

Brian D. Hill

Defendant

Former news reporter of U.S.W.G.O. Alternative News

Ally of Q

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

(276) 790-3505

JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com

**U.S.W.G.O.**



**See the two-page attachment to this pleading:**

**Filename: Staff Directory • Martinsville, VA • CivicEngage.pdf**

Page 13 of 13



## EXHIBIT 6

**attached to: Motion to Reconsider the Order  
denying “MOTION FOR SET ASIDE OR  
RELIEVE DEFENDANT OF JUDGMENT OF  
CONVICTION OF CRIMINAL CHARGE  
PURSUANT TO VIRGINIA CODE § 8.01-428(D),  
VIRGINIA CODE § 8.01-428(A) AND VIRGINIA  
CODE § 8.01-428(B) ON THE BASIS OF FRAUD  
UPON THE COURT, CLERICAL FACTUAL  
ERRORS”**

**by Brian David Hill**

**Case no. CR19000009-00, Circuit Court, City of  
Martinsville, Virginia**

Ally of Q, Former news reporter of USWGO Alternative News  
JUSTICEFORUSWGO.WORDPRESS.COM



**SHORT SUMMARY OF WHAT WAS PROVEN AS TO FRAUD ON THE COURT****Prepared by Stella Forinash, edited and modified by Brian David Hill****Case no. CR19000009-00, For Martinsville Circuit Court; Date: February 14, 2023**

1. Chimney people deny putting tin instead of screen on chimney causing carbon monoxide to go inside our home because no where for gas to escape 11 months (Oct. 2017) before my arrest. Denied coming to the house. Phone call logs/records & canceled check proves they did come and got paid. **See EXHIBIT APPENDIX VOLUME I OF II (Pages 1 – 532) IN SUPPORT OF MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED UPON NEW EVIDENCE OF SUSPECT JACODY CASSELL OF BUSINESS ENTITY: THE CHIMNEY SWEEP WHO CAUSED CARBON MONOXIDE POISONING INTOXICATION OF CRIMINAL DEFENDANT WARRANTING NEW TRIAL OR ACQUITTAL, filed on September 6, 2022.**
2. Court appointed lawyer never introduces or pushes as evidence in the Court the expert testimony from the chimney expert who found the tin 3 months after my arrest (Jan. 2019) and immediately removed it explaining that the damage inside our home was caused by carbon monoxide coming from our natural gas hot water heater & natural gas boiler furnace into the house – nowhere else to escape. **See EXHIBIT APPENDIX PG. 18 OF 532 of EXHIBIT APPENDIX VOLUME I OF II (Pages 1 – 532) IN SUPPORT OF MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED UPON NEW EVIDENCE OF SUSPECT JACODY CASSELL OF BUSINESS ENTITY: THE CHIMNEY SWEEP WHO CAUSED CARBON MONOXIDE POISONING INTOXICATION OF CRIMINAL DEFENDANT WARRANTING NEW TRIAL OR ACQUITTAL, filed on September 6, 2022.**
3. Doctor at hospital does not test the blood sugar from a type 1 brittle diabetic (Sept 2018) who was out walking for miles & hours in the middle of the night wearing no clothes. It is on hospital records that I am a type 1 diabetic (take insulin) with seizure history when glucose goes low; have autism & OCD. **See EXHIBIT PAGE 253-260 OF 337 of EXHIBITS 1-25 attached to: “MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS”**
4. They do other blood work, charge Medicaid for the blood work, then destroy the blood work without any result per hospital & Medicaid billing records. **See EXHIBIT PAGE 260 OF 337, EXHIBIT PAGE 88-91 OF 337, and EXHIBIT PAGE 248-249 OF 337 of EXHIBITS 1-25 attached to: “MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS”.**
5. I requested body camera footage, my family requested body camera footage, court appointed attorney requested body camera footage, court requested body camera footage. No one follows through. I discovered on 2-13-2023 body cam was not marked as evidence and destroyed after these entire request for it. **See pleading: Brian Hill FOIA Request.pdf,**

**Letter from Kendall David, Public Information Officer of City of Martinsville, filed with Clerk on February 13, 2023.**

6. Police who arrested me admits in court that I told him that I had autism. Also admits in court that after years of being a police officer, he has very little training in autism. Autism, type 1 (insulin dependent) diabetes and OCD are all covered under the Americans with Disabilities Act. I have medical proof from 1994 and from 2019-2023 that I have all 3 disabilities plus more. **See EXHIBIT PAGE 39-40 OF 337 of EXHIBITS 1-25 attached to: "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS".**
7. Police who did the arrest admits in court he was not aware that I was a type 1 diabetic and have OCD. **Again, see EXHIBIT PAGE 39-40 OF 337 of EXHIBITS 1-25.**
8. Court appointed attorney does not give my full mental history around the time of the alleged crime to the one doing the mental evaluation. It is very clear on the records of the Piedmont Community Services that I was diagnosed (Explained by whom, date & the diagnosis). **See EXHIBIT INDEX PAGE 164-170 OF 317, EXHIBIT 19: Mental health medical records from Piedmont Community Services, concerning Dr. Conrad Daum patient visit on October 24, 2018 for attached to: "MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED UPON NEW EVIDENCE WHICH DISPROVES THE ELEMENTS OF CHARGED CRIME BY PROSECUTION, EVIDENCE WARRANTING NEW TRIAL OR ACQUITTAL" by Brian David Hill. Filed with Clerk on August 31, 2022.**
9. Police did not investigate, just arrest. I was put in jail and punished due to a Medical emergency in the middle of the night while my caregiver and family were asleep. **See Element 1 in Statement of the Facts, Pages 22-36 of 107 in MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS.**
10. Medical records – tachycardia (meaning resting blood pulse is over 100 which is abnormally high, indication of possibly a serious medical issue)- given oxygen – written on hospital records to see my doctor the next morning for more test. All of this ignored by police & court. **See Pages 56-57 of 107 in MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS**
11. Former Assistant Public Defender Scott Albrecht does absolutely nothing to compel compliance with Court Orders for the discovery evidence materials directly material to the charged crime. Material evidence was deleted/destroyed by Martinsville Police Department not knowing that the destroyed evidence should have been marked as evidence because prosecuting Attorney Glen Andrew Hall and Scott Albrecht both didn't do anything despite the court orders for discovery. Both failed as officers of the court to do their duty and wasted the court's time by allowing destruction of evidence and allowing non-compliance with Court Orders. **See pleading: Brian Hill FOIA Request.pdf, Letter**

from Kendall David, Public Information Officer of City of Martinsville, filed with Clerk on February 13, 2023.

12. In 2023, it is discovered that a lawyer named "Scott Albrecht" has been found to be an Assistant Commonwealth's Attorney according to a printout from Staff Directory of the City of Martinsville, a local government website. Same name as the Assistant Public Defender Scott Albrecht who represented me, Brian David Hill, since the Public Defender was appointed as my counsel of record. See recently filed "DECLARATION OF BRIAN DAVID HILL OF NEW EVIDENCE CONCERNING PUBLIC DEFENDER ASSISTANT SCOTT ALBRECHT IN SUPPORT OF MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS", filed on February 13, 2023.

■ Respectfully filed with the Honorable Circuit Court, on February 14, 2023.

*Brian D. Hill*  
Signed  
Brian D. Hill



Brian D. Hill  
Defendant  
Former news reporter of U.S.W.G.O. Alternative News  
Ally of Q  
310 Forest Street, Apartment 2  
Martinsville, Virginia 24112  
(276) 790-3505

**U.S.W.G.O.**

[JusticeForUSWGO.NL](http://JusticeForUSWGO.NL) or [JusticeForUSWGO.wordpress.com](http://JusticeForUSWGO.wordpress.com)

#### CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Pleading was transmitted, to the office of Glen Andrew Hall, Martinsville Commonwealth's Attorney, 55 W. Church Street, Martinsville, Virginia 24112, Email: [ahall@ci.martinsville.va.us](mailto:ahall@ci.martinsville.va.us), on this 14th day of February, 2023.

*Brian D. Hill*  
Signed  
Brian D. Hill

Brian D. Hill  
Defendant

## **EXHIBIT 7**

**attached to: Motion to Reconsider the Order  
denying “MOTION FOR SET ASIDE OR  
RELIEVE DEFENDANT OF JUDGMENT OF  
CONVICTION OF CRIMINAL CHARGE  
PURSUANT TO VIRGINIA CODE § 8.01-428(D),  
VIRGINIA CODE § 8.01-428(A) AND VIRGINIA  
CODE § 8.01-428(B) ON THE BASIS OF FRAUD  
UPON THE COURT, CLERICAL FACTUAL  
ERRORS”**

**by Brian David Hill**

**Case no. CR19000009-00, Circuit Court, City of  
Martinsville, Virginia**

Ally of Q, Former news reporter of USWGO Alternative News  
JUSTICEFORUSWGO.WORDPRESS.COM





**Jeanie Nunn**

---

**From:** Nancy Sherman  
**Sent:** Friday, February 01, 2019 10:35 AM  
**To:** Jeanie Nunn; Andy Hall  
**Subject:** RE: Brian David Hill

19-009

The Sheriff's Office confirmed the Feds picked Mr. Hill up out of our custody. Once the Feds are finished with Mr. Hill they will let us know and he will be brought back and placed in the custody of the Martinsville City Jail to await his Misd. Appeal.

---

**From:** Jeanie Nunn <JNUNN@ci.martinsville.va.us>  
**Sent:** Tuesday, January 29, 2019 2:43 PM  
**To:** Andy Hall <ahall@ci.martinsville.va.us>; Nancy Sherman <nsherman@ci.martinsville.va.us>; Scott Albrecht <salbrecht@mar.idc.virginia.gov> <salbrecht@mar.idc.virginia.gov>  
**Cc:** Judge Greer <cgreer@ci.martinsville.va.us>  
**Subject:** Brian David Hill

On January 28, at the request of the Commonwealth, the Judge directed me to issue a capias on Mr. Hill since he is in Federal Custody in Butner NC and the Commonwealth wanted it placed as a Detainer against him. In reviewing his file determining the reason to show for the capias, I knew it couldn't be failure to appear so I thought "REVOKE HIS BOND". However, Mr. Hill has never made bond, therefore, the indecent exposure charge should be listed in his file in the federal system and he should have a detainer against him anyway. The commonwealth may be able to contact Butner or possibly get the police department to check and make sure it is showing on his file that he has to be returned to us after completion of his fed time for the pending offense here.

Or Judge, if you have a particular charge you want me to issue a capias under and place a new detainer, please advise. Also, do I just continue this until next misdemeanor appeal day for a status review?

Thanks,

*Jeanie Nunn*  
**Certified Master Chief Deputy Clerk**  
**Martinsville Circuit Court**  
**P O Box 1206**  
**Martinsville, VA 24114**

**Subject:** RE: Martinsville Circuit Court, Motion for Reconsideration and separate Exhibits document, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill  
**From:** Jeanie Nunn <JNUNN@ci.martinsville.va.us>  
**Date:** 2/17/2023, 8:48 AM  
**To:** ROBERTA HILL <rbhill67@comcast.net>

The documents have been received.

Thank you,

JEANIE

**JEAN P. NUNN**, Clerk of Court  
Martinsville Circuit Court Clerk's Office  
(276-403-5251)

---

**From:** ROBERTA HILL <rbhill67@comcast.net>  
**Sent:** Friday, February 17, 2023 4:21 AM  
**To:** Jeanie Nunn <JNUNN@ci.martinsville.va.us>; Andy Hall <ahall@ci.martinsville.va.us>; Nancy Sherman <nsherman@ci.martinsville.va.us>; OAG Criminal Litigation (oagcriminallitigation@oag.state.va.us) <oagcriminallitigation@oag.state.va.us>; Coen, Chris <ccoen@oag.state.va.us>; ER Hamilton <EHAMILTON@ci.martinsville.va.us>; Judge Greer <cgreer@ci.martinsville.va.us>  
**Cc:** Ken & Stella Forinash <kenstella@comcast.net>; kenstella2005@comcast.net; stanleybolten@justiceforuswgo.nl  
**Subject:** Martinsville Circuit Court, Motion for Reconsideration and separate Exhibits document, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill  
**Importance:** High

**CAUTION:** This email originated outside the City of Martinsville's email system.

Do not click links or open attachments unless you recognize the sender and know the content is safe.

Clerk of Circuit Court for the City of Martinsville;  
CC: Glen Andrew Hall, Esquire.;  
CC: Judge Greer,

I am Roberta Hill, Brian's mother. I am filing this Motion for Reconsideration and separate Exhibits document to make it easy for the judge to review over. It is all being filed through email to you on Brian's behalf due to his federal probation conditions where he is not allowed to use the internet. He is having me file this pleading on his behalf. My son is having me to serve the respondents through email as well. This email to the Clerk with the Respondents in the email message headers prove to the Clerk that I had served the Respondents a copy of these pleadings, and may also be faxed as well by Brian D. Hill in the event that email fail.

Filings are attached:

**1. Motion-Reconsideration-2-17-2023.pdf:** - MOTION TO RECONSIDER THE ORDER DENYING "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS".

**2. RECONSIDERATION-EXHIBITS-2-16-2023.pdf:** Seven Exhibits attached to: MOTION TO RECONSIDER THE ORDER DENYING "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS".

To Clerk: Please confirm by read receipt or response message confirming that you have received this. Thank You!

Roberta Hill (representative for electronic filing)  
310 Forest Street, Apartment 1  
Martinsville, Virginia 24112

Motion for Reconsideration and separate Exhibits document, case no. CR19000009-00, Circuit Court for the City of Martinsville  
Commonwealth of Virginia, City of Martinsville v. Brian David Hill

Defendant:  
Brian David Hill  
310 Forest Street, Apartment 2  
Martinsville, Virginia 24112

Thanks,  
Roberta



**Subject:** Re: Martinsville Circuit Court, Motion for Reconsideration and separate Exhibits document, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill

**From:** ROBERTA HILL <rbhill67@comcast.net>

**Date:** 2/20/2023, 1:27 AM

**To:** "Hon. Jean P. Nunn, Clerk of the Court" <jnunn@ci.martinsville.va.us>, Martinsville City Commonwealth's Attorney <ahall@ci.martinsville.va.us>, nsherman@ci.martinsville.va.us, "OAG Criminal Litigation (oagcriminallitigation@oag.state.va.us)" <oagcriminallitigation@oag.state.va.us>, "Coen, Chris" <ccoen@oag.state.va.us>, ehamilton@ci.martinsville.va.us, Judge Giles Carter Greer <cgreer@ci.martinsville.va.us>

**CC:** Ken & Stella Forinash <kenstella@comcast.net>, "kenstella2005@comcast.net" <kenstella2005@comcast.net>, "stanleybolten@justiceforuswgo.nl" <StanleyBolten@justiceforuswgo.nl>

Clerk of Circuit Court for the City of Martinsville;

CC: Glen Andrew Hall, Esquire.;

CC: Judge Greer,

Please file this email and the two attachments. Brian forgot to include the 2-page printout "**Staff Directory • Martinsville, VA • CivicEngage.pdf**" in attachment to his Declaration of proving that Scott Albrecht is the Assistant Commonwealth's Attorney in his filed **RECONSIDERATION-EXHIBITS-2-16-2023.pdf**. In **Exhibit 5** in his filed **RECONSIDERATION-EXHIBITS-2-16-2023.pdf**.

Brian wishes to make sure that it includes the 2-page printout in attachment to that Declaration. Somehow those two pages were accidentally omitted from that in "EXHIBIT 5 attached to: Motion to Reconsider the Order denying "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS" by Brian David Hill"; "Case no. CR19000009-00, Circuit Court, City of Martinsville, Virginia"; filing: RECONSIDERATION-EXHIBITS-2-16-2023.pdf. Brian wanted to make sure you have the evidence/proof for EXHIBIT 5 in support of his filed Motion for Reconsideration. Originally filed on February 17, 2023.

Brian didn't want to have to re-modify his pleadings just out of one clerical mistake so he wanted me to file the accidentally omitted information and send this email to correct this one clerical mistake on the record in his case.

Please make sure that this email is filed in the case record as well since it mentions about 2 pages being omitted from the EXHIBIT 5 attached to: Motion to Reconsider. Please consider this as an amended EXHIBIT 5 attached to: Motion to Reconsider.

I attach the omitted pages with Brian filing:

Filings are attached:

**1. Declaration-Scott-Albrecht-2-13-2023.pdf:** DECLARATION OF BRIAN DAVID HILL OF NEW EVIDENCE CONCERNING PUBLIC DEFENDER ASSISTANT SCOTT ALBRECHT IN SUPPORT OF MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF

CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS.

**2. Staff Directory • Martinsville, VA • CivicEngage.pdf:** Accidentally omitted from EXHIBIT 5 Declaration. 2-pages evidence/proof.

Thanks,  
Roberta Hill

On 2/17/2023 4:21 AM, ROBERTA HILL wrote:

Clerk of Circuit Court for the City of Martinsville;  
CC: Glen Andrew Hall, Esquire.;  
CC: Judge Greer,

I am Roberta Hill, Brian's mother. I am filing this Motion for Reconsideration and separate Exhibits document to make it easy for the judge to review over. It is all being filed through email to you on Brian's behalf due to his federal probation conditions where he is not allowed to use the internet. He is having me file this pleading on his behalf. My son is having me to serve the respondents through email as well. This email to the Clerk with the Respondents in the email message headers prove to the Clerk that I had served the Respondents a copy of these pleadings, and may also be faxed as well by Brian D. Hill in the event that email fail.

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**2. RECONSIDERATION-EXHIBITS-2-16-2023.pdf:** Seven Exhibits attached to: MOTION TO RECONSIDER THE ORDER DENYING "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS".

To Clerk: Please confirm by read receipt or response message confirming that you have received this. Thank You!

Roberta Hill (representative for electronic filing)  
310 Forest Street, Apartment 1  
Martinsville, Virginia 24112

Motion for Reconsideration and separate Exhibits document, case no. CR19000009-00, Circuit Court for the City of Martinsville  
Commonwealth of Virginia, City of Martinsville v. Brian David Hill

Defendant:  
Brian David Hill  
310 Forest Street, Apartment 2  
Martinsville, Virginia 24112

Thanks,  
Roberta

— Attachments: —

Declaration-Scott-Albrecht-2-13-2023.pdf	359 KB
Staff Directory • Martinsville, VA • CivicEngage.pdf	118 KB

**VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE**

**COMMONWEALTH OF VIRGINIA,**  
**CITY OF MARTINSVILLE,**  
**PLAINTIFF(s),**

**v.**

**BRIAN DAVID HILL,**  
**DEFENDANT.**

CASE NO: CR19000009-00

**DECLARATION OF BRIAN DAVID HILL OF**  
**NEW EVIDENCE CONCERNING PUBLIC**  
**DEFENDER ASSISTANT SCOTT ALBRECHT IN**  
**SUPPORT OF MOTION FOR SET ASIDE OR**  
**RELIEVE DEFENDANT OF JUDGMENT OF**  
**CONVICTION OF CRIMINAL CHARGE**  
**PURSUANT TO VIRGINIA CODE § 8.01-428(D),**  
**VIRGINIA CODE § 8.01-428(A) AND VIRGINIA**  
**CODE § 8.01-428(B) ON THE BASIS OF FRAUD**  
**UPON THE COURT, CLERICAL FACTUAL**  
**ERRORS**

**DECLARATION OF BRIAN DAVID HILL OF NEW EVIDENCE CONCERNING PUBLIC**  
**DEFENDER ASSISTANT SCOTT ALBRECHT IN SUPPORT OF MOTION FOR SET**  
**ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL**  
**CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-**  
**428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE**  
**COURT, CLERICAL FACTUAL ERRORS**

Respectfully filed/submitted with the Court,

This the 13th day of February, 2023.



*Brian D. Hill*  
*Signed*

Brian D. Hill

Brian D. Hill  
Defendant

Former news reporter of U.S.W.G.O. Alternative News  
Ally of Q

310 Forest Street, Apartment 2, Martinsville, Virginia 24112  
(276) 790-3505



[JusticeForUSWGO.NL](http://JusticeForUSWGO.NL) or [JusticeForUSWGO.wordpress.com](http://JusticeForUSWGO.wordpress.com)

Pursuant to the Virginia Code § 8.01-4.3. “Unsworn declarations under penalty of perjury; penalty.”, criminal defendant Brian David Hill hereby state as follows to the Circuit Court for the City of Martinsville under penalty of perjury,

1. I am Brian David Hill, criminal defendant in this case. I am a party to this litigation. CASE NO: CR19000009-00. I had filed the “MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS” on January 26, 2023. This Declaration is based on recently discovered evidence.

2. On September 21, 2018, I was appointed a Public Defender by the General District Court due to being considered indigent which is also termed as In Foruma Pauperis in the Federal Court system. The Assistant Public Defender who represented me was Scott Albrecht. He had first met with me in Martinsville City Jail along with an assistant after the Public Defender was appointed, after I was arrested and was considered indigent.

3. Yesterday, my mother Roberta Hill was researching people to contact as I am considering filing a FOIA Lawsuit against Kendall Davis, Public Information Officer for the City of Martinsville, and against Martinsville Police Department. I am considering filing a FOIA lawsuit if no written response in a certain number of

days, or if my FOIA Request is refused even after me filing my addendum and declaration under penalty of perjury which is also an addendum to my original FOIA Request.

4. I am aware that Roberta found in the Staff Directory at the City of Martinsville website, just out of curiosity, an Assistant Commonwealth Attorney named Scott Albrecht. She shown this to me last night. The same name as the very attorney Scott Albrecht who was an Assistant Public Defender in the City of Martinsville, who represented me in General District Court and in the Circuit Court in my criminal case. I haven't yet confirmed whether this "Scott Albrecht" is the same Attorney Scott Albrecht who was supposed to represent me as my court appointed lawyer in 2018-2019, and if it is the same then I believe the Circuit Court would need to conduct an inquiry as to whether a conflict of interest exists in him assisting the Commonwealth Attorney Glen Andrew Hall who had prosecuted me after I was charged with a crime in this case, originally in the General District Court. See Rules of Professional Conduct 1.3, 1.6 and 1.7; see also *Holloway v. Arkansas*, 435 U.S. 475 (1978); *Dowell v. Commonwealth*, 3 Va. App. 555 (1987). I asked Roberta Hill to print out in PDF Format the Staff Directory webpage at: <https://www.martinsville-va.gov/Directory.aspx?did=25> and Wayback Machine archive at <http://web.archive.org/web/20230213050244/https://www.martinsville-va.gov/Directory.aspx?did=25> (text links/urls provided by Roberta Hill).

5. I hereby attach to this Declaration/unsworn-affidavit a true and correct printout of the web-link address at: <https://www.martinsville-va.gov/Directory.aspx?did=25>, 2 pages printout, of the Staff Directory • Martinsville, VA • CivicEngage. This is attached to this Declaration thereto.

6. I wasn't entirely trusting of Attorney Scott Albrecht because of past issues with court appointed lawyers in my Federal Case in the Middle District of North Carolina. In fact, I had gut feelings which led me to doing pro se things and filing things pro se. Including writing a letter in January 2019 and mailing a photocopy of the same to the Chief of Police requesting the body-camera footage.

7. While I was at Martinsville City Jail and I believe it was around sometime in November 2018, he spoke with me in the jail about him pushing to get the discovery including the photographs of me naked. He told me I was innocent and said that being naked is not illegal because I was not being obscene, that was why I later did case law research when I was in Western Virginia Regional Jail after I was found guilty in General District Court. Scott Albrecht told me that me and him would go over the photos together of me to see under the legal determination if I was aroused in the photos of me naked. Clearly there should have been review over all discovery evidence before the Trial on December 21, 2018. I do not recall ever going over the photos with him to see if we can make any determination. I do not remember, I am trying to remember and I cannot, I do not believe he and me ever

went over the discovery evidence before the Trial in the General District Court on December 21, 2018. The first time I saw the introduced evidence of the printouts of the photos of me in the nude by the Commonwealth Attorney Glen Andrew Hall was at the Trial in the General District Court. I had also filed a pleading in the General District Court about what me and Scott Albrecht talked about, about him telling me that I was innocent. I had filed it in the GD paperwork on November 29, 2018, filed by the Clerk of the General District Court. I did try to mail it out on November 26, 2018 from the jail where I was at the time, and it was filed by the Clerk on November 29, 2018, so technically it was filed on November 29, 2018.

8. There were funny things going on during the Trial in the General District Court. Like Scott Albrecht shown no case law about obscenity being required to have me found guilty of Virginia Code § 18.2-387. See *Romick v. Commonwealth*, Record No. 1580-12-4 (Va. Ct. App. Nov. 19, 2013), *Moses v. Commonwealth*, 45 Va. App. 357, 360, 611 S.E.2d 607, 608 (2005) (en banc), etc etc. He did read the statute of obscenity, and Glen Andy Hall did argue that the defendant “was not charged with obscenity”, I remember Andy Hall saying those words that I “was not charged with obscenity”. I remember him arguing those words. Later on, when I re-read the Arrest Warrant against me, it did charge me with intentionally making an obscene display. So, Mr. Hall was trying to argue a mis-argument in the General District Court. The judge heard me testify under penalty of perjury making



statements about the man wearing the hoodie. Scott Albrecht did ask the Officer Robert Jones if Brian approached anybody and that person screaming “oh my God!” and the officer admitted that I didn’t. Officer Jones’s testimony did support the fact that I was not obscene because in the totality of circumstances I was not trying to appeal to the prurient interest in sex. However, my family members who were present at my Trial watched Scott Albrecht as he argued my case and thought he was kind of letting Glen Andy Hall walk all over him and dominating the Trial proceeding. My mother told me the opinion about him letting Andy Hall kind of dominate the Trial, my grandparents thought he was not doing a good job as an attorney, so this Court may want to question Roberta Hill, Stella Forinash, and Kenneth Forinash. They thought he was kind of a poor lawyer meaning a lawyer who did a poor job defending me, that he wasn’t a good trial attorney.

8. After the judge found me guilty in General District Court, I whispered or said in a low voice to Attorney Scott Albrecht that I wanted him to appeal the decision and told him that I want to appeal it in fear that my supervised release would be violated. Then he said in response that: “your supervised release is already revoked”, and then I was taken away by the officers. I was upset at Scott Albrecht. This Court can also review over the “PUBLIC DEFENDER TIME SHEET”, and I believe it was filed in General District Court on December 21, 2018. It said the total number of hours he spent out of court was 1 hour, and the

time “In Court” was only 20 minutes. A very short Trial in the General District Court. He didn’t really spend a lot of time in the case according to his filed “PUBLIC DEFENDER TIME SHEET” in the General District Court. Scott Albrecht was a terrible lawyer and I had wondered why he was.

9. I am not sure if Scott Albrecht ever filed a notice of appeal, as I tried to get it mailed off my pro se notice of appeal the same day I was found guilty, that I had asked him to do verbally. In fact, the record of the General District Court shown that I had initiated a pro se written notice of appeal in the General District Court which would have brought the case to the Circuit Court, this very case itself, it was me who pushed a pro se written notice of appeal to the Circuit Court and then there was another notice of appeal form with the signature of Scott Albrecht who was supposed to do what I had asked him to do and appeal the decision. It seemed like me trying to file the appeal pro se caused him to have his signature in a form notice of appeal document as I see from the record. This attorney seemed sketchy to me, I didn’t 100% trust him and my trust meter started lowering after I had to file a written notice of appeal. Scott Albrecht told me I was innocent and did nothing illegal but I was found guilty by the judge, why??? I do believe he was right but he didn’t handle the case the right way and that made me skeptical about my own lawyer.

10. I will admit he did a great job getting me released on bond/bail conditions which I complied with to the letter. I will admit he did push for three court orders in my criminal case for discovery. However, he was deficit in any push for sanctions or enforcement. He never pushed to compel compliance with those court orders, even though he is supposed to be an officer of the court at those times. Albrecht never pushed for sanctions for destruction of evidence, and Matthew Scott Thomas Clark never pushed for sanctions for destruction of evidence. Albrecht never pushed for any inquiring into non-compliance with the very court orders he pushed for. He didn't do his duty as an officer of the Court, he pushed for court orders but when they were not being complied with because of no body-camera footage being turned over to defense counsel or I was never given any indication of ever receiving the body-camera footage or copy of the same.

11. Now it all makes sense. If the same Scott Albrecht who had represented me, if this is the same attorney who seems to be named as the Assistant Commonwealth's Attorney, then this makes me suspect collusion between the Commonwealth Attorney and defense attorney even more. When I had filed the Motion asking for relief over fraud on the court on January 26, 2023, I had suspicions that it was either Scott Albrecht had colluded with the Commonwealth Attorney over destruction of body-camera footage and not pushing for compliance with those very court orders he pushed for, either collusion or ineffective assistance

of counsel meaning my counsel did a terrible job as an attorney and was deficient. If this “Scott Albrecht” who is an Assistant Commonwealth Attorney to Glen Andrew Hall, Esq. the Commonwealth Attorney, if this is the same attorney who had represented me in the General District Court, then it all makes sense to me why I was found guilty as charged. The Trial was rigged in my opinion to have me found guilty with a rigged defense attorney; this can be proven now with all of the deficiencies of Scott Albrecht. If this is the same Scott Albrecht, then I have no choice but to inform the Circuit Court that my Trial in the General District Court, I feel it was rigged against me. When my own court appointed lawyer who did a terrible job defending me, I am found guilty, no enforcement of court orders not complied with by Glen Andrew Hall that he pushed for as my defense attorney, no asking for sanctions for noncompliance with those court orders, and then a “Scott Albrecht” works for the very same prosecuting attorney who prosecuted me at the Trial in the General District Court on December 21, 2018, with Scott Albrecht as my defense attorney.

12. I have a right to feel suspicious. Seeing the same name “Scott Albrecht” working for the other side in my case, working for Glen Andrew Hall aka Andy Hall the Commonwealth Attorney who is the prosecuting attorney for my case in General District Court and in the Circuit Court.

13. My suspicions are warranted here. The argument is this to the best of my opinion and belief under penalty of perjury. If my lawyer did such a terrible job as the Trial attorney in the General District Court, meaning he is not a very good lawyer, then why is he hired by the Commonwealth Attorney and paid by the Commonwealth Attorney or whatever as that name is clearly shown in the Staff Directory for the City of Martinsville??? I don't know when he was hired and why he was hired, and don't know if it is the same Scott Albrecht but the odds are very remote that it could be a different attorney named Scott Albrecht. The possibility that it may be a different Scott Albrecht who happens to be an attorney, working in Martinsville or for the Commonwealth Attorney in Martinsville. If he was such a poor lawyer who did a poor job at my case, then why was he named as an Assistant Commonwealth's Attorney??? That would make him a traitor. This is unethical, this is unprofessional, this is a conflict of interest if it wasn't already. That makes me suspicious that I felt that he definitely took part in defrauding the court as claims I had brought up in my filed Motion on January 26, 2023.

14. I feel that it is warranted for the Honorable Circuit Court to conduct an inquiry of Glen Andrew Hall, Esquire about his: "Assistant Commonwealth's Attorney" named "Scott Albrecht". This is definitely a conflict of interest in my opinion. Glen Andy Hall needs to file a letter with the Court stating under penalty of perjury that Scott Albrecht needs to recuse himself from the prosecution team

regarding this criminal case. That would be ethical to me. Scott Albrecht needs to recuse himself if it is the very same Scott Albrecht. I am concerned here, extremely concerned.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 13, 2023.



*Brian D. Hill*  
*Signed*

**Brian D. Hill**

Brian D. Hill  
Defendant

Former news reporter of U.S.W.G.O. Alternative News

Ally of Q

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

(276) 790-3505

**U.S.W.G.O.**

[JusticeForUSWGO.NL](http://JusticeForUSWGO.NL) or [JusticeForUSWGO.wordpress.com](http://JusticeForUSWGO.wordpress.com)

### **CERTIFICATE OF SERVICE, CERTIFICATE OF FILING**

I hereby certify that a true and accurate copy of the foregoing Motion was  
emailed/transmitted by my Assistant Roberta Hill at [rbhill67@comcast.net](mailto:rbhill67@comcast.net) (due to  
Probation Conditions of not being allowed to use the Internet) to have delivered this  
Page **11** of **13**

(1) pleading and attachment of 2-page printout on the 13th day of February, 2023, to the following parties:

1. Commonwealth of Virginia
2. City of Martinsville

Again, by having representative Roberta Hill filing this pleading and attachment of 2-page printout on his behalf, filing with the Court, through email address [rbhill67@comcast.net](mailto:rbhill67@comcast.net), transmit a copy of this pleading to the following attorneys who represent the above parties to the case:

Glen Andrew Hall, Esq. Commonwealth Attorney's Office for the City of Martinsville 55 West Church Street P.O. Box 1311 Martinsville, Virginia 24114/24112 Attorney for the Commonwealth Phone: (276) 403-5470 Fax: (276) 403-5478 Email: <a href="mailto:ahall@ci.martinsville.va.us">ahall@ci.martinsville.va.us</a>	Hon. Jean P. Nunn, Clerk of the Court Circuit Court for the City of Martinsville Phone: 276-403-5106 Fax: 276-403-5232 55 West Church Street, Room 205 P.O. Box 1206 Martinsville, VA 24114 Email: <a href="mailto:jnunn@ci.martinsville.va.us">jnunn@ci.martinsville.va.us</a>
--	--

The reason why Brian David Hill must use such a representative to serve such pleading with the Clerk on his behalf is because Brian is currently still under the conditions of Supervised Release for the U.S. District Court barring internet usage without permission. Brian's Probation Officer is aware of Roberta Hill using her email for conducting court business concerning Brian Hill or court business with the Probation Office in regards to Brian David Hill. Therefore, Roberta Hill is filing the pleading on Brian's behalf for official court business. Brian has authorized her to file the pleading.

All exhibits or any exhibits with anything printed from any internet-based service was printed and researched by Roberta Hill.

That should satisfy the Certificate of Service regarding letters/pleadings during the ongoing Covid-19 pandemic. If the Court wishes to contact the filer over any issues or concerns, please feel free to contact the filer Brian David Hill directly by telephone or by mailing. They can also contact c / o Roberta Hill at [rbhill67@comcast.net](mailto:rbhill67@comcast.net) and request that she forward the message and any documents or attachments to Brian David Hill to view offline for his review.

Brian D. Hill  
*Signed*

Brian D. Hill  
*Signed*

Brian D. Hill

Brian D. Hill

Defendant

Former news reporter of U.S.W.G.O. Alternative News

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**U.S.W.G.O.**



**See the two-page attachment to this pleading:**

**Filename: Staff Directory • Martinsville, VA • CivicEngage.pdf**

Page 13 of 13



## Commonwealth's Attorney

[Directions](#)

**Physical Address:**

[View Map](#)

55 W Church Street  
Martinsville, VA 24112

**Mailing Address:**

P.O. Box 1311  
Martinsville, VA 24112

**Phone:**

276-403-5470

**Fax:**

276-403-5478

Link: [Commonwealth's Attorney's Office Page](#)

### Staff

**Name**

**Title**

[Albrecht, Scott](#)

Assistant Commonwealth's Attorney

[Finn, Patrick](#)

Assistant Commonwealth's Attorney

[Hall, G. Andrew](#)

Commonwealth's Attorney

[Herrero, Alberto Z.](#)

Deputy Commonwealth's Attorney

[Russell, Emily](#)

Assistant Commonwealth's Attorney

### Victim Witness Program

[Directions](#)

**Physical Address:**

[View Map](#)

55 W Church Street  
Room 14  
Martinsville, VA 24112

**Mailing Address:**

P.O. Box 1063  
Martinsville, VA 24112

**Phone:**

276-403-5467 or 276-403-5469

**Fax:**

276-403-5468

Link: [Victim Witness Program Page](#)**Staff**

<b>Name</b>	<b>Title</b>	<b>Email</b>
<a href="#">Laine, Joyce</a>	Victim/Witness Program Assistant Director	<a href="#">Email Joyce Laine</a>
<a href="#">Spangler, Vicky</a>	Victim / Witness Program Director	<a href="#">Email Vicky Spangler</a>

[Return to Staff Directory.](#)Government Websites by [CivicPlus®](#)

# Commonwealth's Attorney

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[Hall, G. Andrew](#)

Commonwealth's Attorney

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Deputy Commonwealth's Attorney

[Russell, Emily](#)

Assistant Commonwealth's Attorney

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Link: [Victim Witness Program Page](#)**Staff**

<b>Name</b>	<b>Title</b>	<b>Email</b>
<a href="#">Laine, Joyce</a>	Victim/Witness Program Assistant Director	<a href="#">Email Joyce Laine</a>
<a href="#">Spangler, Vicky</a>	Victim / Witness Program Director	<a href="#">Email Vicky Spangler</a>

[Return to Staff Directory.](#)Government Websites by [CivicPlus®](#)

**Subject:** RE: Martinsville Circuit Court, Motion for Reconsideration and separate Exhibits document, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill  
**From:** Jeanie Nunn <JNUNN@ci.martinsville.va.us>  
**Date:** 2/21/2023, 1:19 PM  
**To:** ROBERTA HILL <rbhill67@comcast.net>

The documents have been received and scanned into his file.

Thank you,

JEANIE

**JEAN P. NUNN**, Clerk of Court  
Martinsville Circuit Court Clerk's Office  
(276-403-5251)

---

**From:** ROBERTA HILL <rbhill67@comcast.net>  
**Sent:** Monday, February 20, 2023 8:03 PM  
**To:** Jeanie Nunn <JNUNN@ci.martinsville.va.us>; Andy Hall <ahall@ci.martinsville.va.us>; Nancy Sherman <nsherman@ci.martinsville.va.us>; OAG Criminal Litigation (oagcriminallitigation@oag.state.va.us) <oagcriminallitigation@oag.state.va.us>; Coen, Chris <ccoen@oag.state.va.us>; ER Hamilton <EHAMILTON@ci.martinsville.va.us>; Judge Greer <cgreer@ci.martinsville.va.us>  
**Cc:** Ken & Stella Forinash <kenstella@comcast.net>; kenstella2005@comcast.net; stanleybolten@justiceforuswgo.nl  
**Subject:** Re: Martinsville Circuit Court, Motion for Reconsideration and separate Exhibits document, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill  
**Importance:** High

**CAUTION:** This email originated outside the City of Martinsville's email system.

Do not click links or open attachments unless you recognize the sender and know the content is safe.

Clerk of Circuit Court for the City of Martinsville;  
CC: Glen Andrew Hall, Esquire.;  
CC: Judge Greer,

Please file this email and the two attachments. Brian forgot to include the 2-page printout "**Staff Directory • Martinsville, VA • CivicEngage.pdf**" in attachment to his Declaration of proving that Scott Albrecht is the Assistant Commonwealth's Attorney in his filed **RECONSIDERATION-EXHIBITS-2-16-2023.pdf**. In **Exhibit 5** in his filed **RECONSIDERATION-EXHIBITS-2-16-2023.pdf**.

Brian wishes to make sure that it includes the 2-page printout in attachment to that Declaration. Somehow those two pages were accidentally omitted from that in "EXHIBIT 5 attached to: Motion to Reconsider the Order denying "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS" by Brian David Hill"; "Case no. CR19000009-00, Circuit Court, City of Martinsville, Virginia"; filing: RECONSIDERATION-EXHIBITS-2-16-2023.pdf. Brian wanted to make sure you have the evidence/proof for EXHIBIT 5 in support of his filed Motion for Reconsideration. Originally filed on

February 17, 2023.

Brian didn't want to have to re-modify his pleadings just out of one clerical mistake so he wanted me to file the accidentally omitted information and send this email to correct this one clerical mistake on the record in his case.

Please make sure that this email is filed in the case record as well since it mentions about 2 pages being omitted from the EXHIBIT 5 attached to: Motion to Reconsider. Please consider this as an amended EXHIBIT 5 attached to: Motion to Reconsider.

I attach the omitted pages with Brian filing:

Filings are attached:

**1. Declaration-Scott-Albrecht-2-13-2023.pdf:** DECLARATION OF BRIAN DAVID HILL OF NEW EVIDENCE CONCERNING PUBLIC DEFENDER ASSISTANT SCOTT ALBRECHT IN SUPPORT OF MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS.

**2. Staff Directory • Martinsville, VA • CivicEngage.pdf:** Accidentally omitted from EXHIBIT 5 Declaration. 2-pages evidence/proof.

Thanks,  
Roberta Hill

On 2/17/2023 4:21 AM, ROBERTA HILL wrote:

Clerk of Circuit Court for the City of Martinsville;  
CC: Glen Andrew Hall, Esquire.;  
CC: Judge Greer,

I am Roberta Hill, Brian's mother. I am filing this Motion for Reconsideration and separate Exhibits document to make it easy for the judge to review over. It is all being filed through email to you on Brian's behalf due to his federal probation conditions where he is not allowed to use the internet. He is having me file this pleading on his behalf. My son is having me to serve the respondents through email as well. This email to the Clerk with the Respondents in the email message headers prove to the Clerk that I had served the Respondents a copy of these pleadings, and may also be faxed as well by Brian D. Hill in the event that email fail.

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**2. RECONSIDERATION-EXHIBITS-2-16-2023.pdf:** Seven Exhibits attached to: MOTION TO RECONSIDER THE ORDER DENYING "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND

VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT,  
CLERICAL FACTUAL ERRORS”.

To Clerk: Please confirm by read receipt or response message confirming that you have received this. Thank You!

Roberta Hill (representative for electronic filing)  
310 Forest Street, Apartment 1  
Martinsville, Virginia 24112

Motion for Reconsideration and separate Exhibits document, case no. CR19000009-00,  
Circuit Court for the City of Martinsville  
Commonwealth of Virginia, City of Martinsville v. Brian David Hill

Defendant:  
Brian David Hill  
310 Forest Street, Apartment 2  
Martinsville, Virginia 24112

Thanks,  
Roberta

**Subject:** Re: Martinsville Circuit Court, Motion for Reconsideration and separate Exhibits document, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill

**From:** ROBERTA HILL <rbhill67@comcast.net>

**Date:** 2/20/2023, 8:03 PM

**To:** "Hon. Jean P. Nunn, Clerk of the Court" <jnunn@ci.martinsville.va.us>, Martinsville City Commonwealth's Attorney <ahall@ci.martinsville.va.us>, nsherman@ci.martinsville.va.us, "OAG Criminal Litigation (oagcriminallitigation@oag.state.va.us)" <oagcriminallitigation@oag.state.va.us>, "Coen, Chris" <cco@oag.state.va.us>, ehamilton@ci.martinsville.va.us, Judge Giles Carter Greer <cgreer@ci.martinsville.va.us>

**CC:** Ken & Stella Forinash <kenstella@comcast.net>, "kenstella2005@comcast.net" <kenstella2005@comcast.net>, "stanleybolten@justiceforuswgo.nl" <StanleyBolten@justiceforuswgo.nl>

Clerk of Circuit Court for the City of Martinsville;

CC: Glen Andrew Hall, Esquire.;

CC: Judge Greer,

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CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS.

**2. Staff Directory • Martinsville, VA • CivicEngage.pdf:** Accidentally omitted from EXHIBIT 5 Declaration. 2-pages evidence/proof.

Thanks,  
Roberta Hill

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Clerk of Circuit Court for the City of Martinsville;  
CC: Glen Andrew Hall, Esquire.;  
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To Clerk: Please confirm by read receipt or response message confirming that you have received this. Thank You!

Roberta Hill (representative for electronic filing)  
310 Forest Street, Apartment 1  
Martinsville, Virginia 24112

Motion for Reconsideration and separate Exhibits document, case no. CR19000009-00, Circuit Court for the City of Martinsville  
Commonwealth of Virginia, City of Martinsville v. Brian David Hill

Defendant:  
Brian David Hill  
310 Forest Street, Apartment 2  
Martinsville, Virginia 24112

Thanks,  
Roberta

— Attachments:

---

Declaration-Scott-Albrecht-2-13-2023.pdf	359 KB
Staff Directory • Martinsville, VA • CivicEngage.pdf	118 KB

**VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE**

**COMMONWEALTH OF VIRGINIA,**  
**CITY OF MARTINSVILLE,**  
**PLAINTIFF(s),**

**v.**

**BRIAN DAVID HILL,**  
**DEFENDANT.**

CASE NO: CR19000009-00

**DECLARATION OF BRIAN DAVID HILL OF**  
**NEW EVIDENCE CONCERNING PUBLIC**  
**DEFENDER ASSISTANT SCOTT ALBRECHT IN**  
**SUPPORT OF MOTION FOR SET ASIDE OR**  
**RELIEVE DEFENDANT OF JUDGMENT OF**  
**CONVICTION OF CRIMINAL CHARGE**  
**PURSUANT TO VIRGINIA CODE § 8.01-428(D),**  
**VIRGINIA CODE § 8.01-428(A) AND VIRGINIA**  
**CODE § 8.01-428(B) ON THE BASIS OF FRAUD**  
**UPON THE COURT, CLERICAL FACTUAL**  
**ERRORS**

**DECLARATION OF BRIAN DAVID HILL OF NEW EVIDENCE CONCERNING PUBLIC**  
**DEFENDER ASSISTANT SCOTT ALBRECHT IN SUPPORT OF MOTION FOR SET**  
**ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL**  
**CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-**  
**428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE**  
**COURT, CLERICAL FACTUAL ERRORS**

Respectfully filed/submitted with the Court,

This the 13th day of February, 2023.



*Brian D. Hill*  
*Signed*

Brian D. Hill

Brian D. Hill  
Defendant

Former news reporter of U.S.W.G.O. Alternative News  
Ally of Q

310 Forest Street, Apartment 2, Martinsville, Virginia 24112  
(276) 790-3505

**U.S.W.G.O.**

[JusticeForUSWGO.NL](http://JusticeForUSWGO.NL) or [JusticeForUSWGO.wordpress.com](http://JusticeForUSWGO.wordpress.com)

Pursuant to the Virginia Code § 8.01-4.3. “Unsworn declarations under penalty of perjury; penalty.”, criminal defendant Brian David Hill hereby state as follows to the Circuit Court for the City of Martinsville under penalty of perjury,

1. I am Brian David Hill, criminal defendant in this case. I am a party to this litigation. CASE NO: CR19000009-00. I had filed the “MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS” on January 26, 2023. This Declaration is based on recently discovered evidence.

2. On September 21, 2018, I was appointed a Public Defender by the General District Court due to being considered indigent which is also termed as In Foruma Pauperis in the Federal Court system. The Assistant Public Defender who represented me was Scott Albrecht. He had first met with me in Martinsville City Jail along with an assistant after the Public Defender was appointed, after I was arrested and was considered indigent.

3. Yesterday, my mother Roberta Hill was researching people to contact as I am considering filing a FOIA Lawsuit against Kendall Davis, Public Information Officer for the City of Martinsville, and against Martinsville Police Department. I am considering filing a FOIA lawsuit if no written response in a certain number of

days, or if my FOIA Request is refused even after me filing my addendum and declaration under penalty of perjury which is also an addendum to my original FOIA Request.

4. I am aware that Roberta found in the Staff Directory at the City of Martinsville website, just out of curiosity, an Assistant Commonwealth Attorney named Scott Albrecht. She shown this to me last night. The same name as the very attorney Scott Albrecht who was an Assistant Public Defender in the City of Martinsville, who represented me in General District Court and in the Circuit Court in my criminal case. I haven't yet confirmed whether this "Scott Albrecht" is the same Attorney Scott Albrecht who was supposed to represent me as my court appointed lawyer in 2018-2019, and if it is the same then I believe the Circuit Court would need to conduct an inquiry as to whether a conflict of interest exists in him assisting the Commonwealth Attorney Glen Andrew Hall who had prosecuted me after I was charged with a crime in this case, originally in the General District Court. See Rules of Professional Conduct 1.3, 1.6 and 1.7; see also *Holloway v. Arkansas*, 435 U.S. 475 (1978); *Dowell v. Commonwealth*, 3 Va. App. 555 (1987). I asked Roberta Hill to print out in PDF Format the Staff Directory webpage at: <https://www.martinsville-va.gov/Directory.aspx?did=25> and Wayback Machine archive at <http://web.archive.org/web/20230213050244/https://www.martinsville-va.gov/Directory.aspx?did=25> (text links/urls provided by Roberta Hill).

5. I hereby attach to this Declaration/unsworn-affidavit a true and correct printout of the web-link address at: <https://www.martinsville-va.gov/Directory.aspx?did=25>, 2 pages printout, of the Staff Directory • Martinsville, VA • CivicEngage. This is attached to this Declaration thereto.

6. I wasn't entirely trusting of Attorney Scott Albrecht because of past issues with court appointed lawyers in my Federal Case in the Middle District of North Carolina. In fact, I had gut feelings which led me to doing pro se things and filing things pro se. Including writing a letter in January 2019 and mailing a photocopy of the same to the Chief of Police requesting the body-camera footage.

7. While I was at Martinsville City Jail and I believe it was around sometime in November 2018, he spoke with me in the jail about him pushing to get the discovery including the photographs of me naked. He told me I was innocent and said that being naked is not illegal because I was not being obscene, that was why I later did case law research when I was in Western Virginia Regional Jail after I was found guilty in General District Court. Scott Albrecht told me that me and him would go over the photos together of me to see under the legal determination if I was aroused in the photos of me naked. Clearly there should have been review over all discovery evidence before the Trial on December 21, 2018. I do not recall ever going over the photos with him to see if we can make any determination. I do not remember, I am trying to remember and I cannot, I do not believe he and me ever

went over the discovery evidence before the Trial in the General District Court on December 21, 2018. The first time I saw the introduced evidence of the printouts of the photos of me in the nude by the Commonwealth Attorney Glen Andrew Hall was at the Trial in the General District Court. I had also filed a pleading in the General District Court about what me and Scott Albrecht talked about, about him telling me that I was innocent. I had filed it in the GD paperwork on November 29, 2018, filed by the Clerk of the General District Court. I did try to mail it out on November 26, 2018 from the jail where I was at the time, and it was filed by the Clerk on November 29, 2018, so technically it was filed on November 29, 2018.

8. There were funny things going on during the Trial in the General District Court. Like Scott Albrecht shown no case law about obscenity being required to have me found guilty of Virginia Code § 18.2-387. See *Romick v. Commonwealth*, Record No. 1580-12-4 (Va. Ct. App. Nov. 19, 2013), *Moses v. Commonwealth*, 45 Va. App. 357, 360, 611 S.E.2d 607, 608 (2005) (en banc), etc etc. He did read the statute of obscenity, and Glen Andy Hall did argue that the defendant “was not charged with obscenity”, I remember Andy Hall saying those words that I “was not charged with obscenity”. I remember him arguing those words. Later on, when I re-read the Arrest Warrant against me, it did charge me with intentionally making an obscene display. So, Mr. Hall was trying to argue a mis-argument in the General District Court. The judge heard me testify under penalty of perjury making

statements about the man wearing the hoodie. Scott Albrecht did ask the Officer Robert Jones if Brian approached anybody and that person screaming “oh my God!” and the officer admitted that I didn’t. Officer Jones’s testimony did support the fact that I was not obscene because in the totality of circumstances I was not trying to appeal to the prurient interest in sex. However, my family members who were present at my Trial watched Scott Albrecht as he argued my case and thought he was kind of letting Glen Andy Hall walk all over him and dominating the Trial proceeding. My mother told me the opinion about him letting Andy Hall kind of dominate the Trial, my grandparents thought he was not doing a good job as an attorney, so this Court may want to question Roberta Hill, Stella Forinash, and Kenneth Forinash. They thought he was kind of a poor lawyer meaning a lawyer who did a poor job defending me, that he wasn’t a good trial attorney.

8. After the judge found me guilty in General District Court, I whispered or said in a low voice to Attorney Scott Albrecht that I wanted him to appeal the decision and told him that I want to appeal it in fear that my supervised release would be violated. Then he said in response that: “your supervised release is already revoked”, and then I was taken away by the officers. I was upset at Scott Albrecht. This Court can also review over the “PUBLIC DEFENDER TIME SHEET”, and I believe it was filed in General District Court on December 21, 2018. It said the total number of hours he spent out of court was 1 hour, and the



time “In Court” was only 20 minutes. A very short Trial in the General District Court. He didn’t really spend a lot of time in the case according to his filed “PUBLIC DEFENDER TIME SHEET” in the General District Court. Scott Albrecht was a terrible lawyer and I had wondered why he was.

9. I am not sure if Scott Albrecht ever filed a notice of appeal, as I tried to get it mailed off my pro se notice of appeal the same day I was found guilty, that I had asked him to do verbally. In fact, the record of the General District Court shown that I had initiated a pro se written notice of appeal in the General District Court which would have brought the case to the Circuit Court, this very case itself, it was me who pushed a pro se written notice of appeal to the Circuit Court and then there was another notice of appeal form with the signature of Scott Albrecht who was supposed to do what I had asked him to do and appeal the decision. It seemed like me trying to file the appeal pro se caused him to have his signature in a form notice of appeal document as I see from the record. This attorney seemed sketchy to me, I didn’t 100% trust him and my trust meter started lowering after I had to file a written notice of appeal. Scott Albrecht told me I was innocent and did nothing illegal but I was found guilty by the judge, why??? I do believe he was right but he didn’t handle the case the right way and that made me skeptical about my own lawyer.

10. I will admit he did a great job getting me released on bond/bail conditions which I complied with to the letter. I will admit he did push for three court orders in my criminal case for discovery. However, he was deficit in any push for sanctions or enforcement. He never pushed to compel compliance with those court orders, even though he is supposed to be an officer of the court at those times. Albrecht never pushed for sanctions for destruction of evidence, and Matthew Scott Thomas Clark never pushed for sanctions for destruction of evidence. Albrecht never pushed for any inquiring into non-compliance with the very court orders he pushed for. He didn't do his duty as an officer of the Court, he pushed for court orders but when they were not being complied with because of no body-camera footage being turned over to defense counsel or I was never given any indication of ever receiving the body-camera footage or copy of the same.

11. Now it all makes sense. If the same Scott Albrecht who had represented me, if this is the same attorney who seems to be named as the Assistant Commonwealth's Attorney, then this makes me suspect collusion between the Commonwealth Attorney and defense attorney even more. When I had filed the Motion asking for relief over fraud on the court on January 26, 2023, I had suspicions that it was either Scott Albrecht had colluded with the Commonwealth Attorney over destruction of body-camera footage and not pushing for compliance with those very court orders he pushed for, either collusion or ineffective assistance

of counsel meaning my counsel did a terrible job as an attorney and was deficient. If this “Scott Albrecht” who is an Assistant Commonwealth Attorney to Glen Andrew Hall, Esq. the Commonwealth Attorney, if this is the same attorney who had represented me in the General District Court, then it all makes sense to me why I was found guilty as charged. The Trial was rigged in my opinion to have me found guilty with a rigged defense attorney; this can be proven now with all of the deficiencies of Scott Albrecht. If this is the same Scott Albrecht, then I have no choice but to inform the Circuit Court that my Trial in the General District Court, I feel it was rigged against me. When my own court appointed lawyer who did a terrible job defending me, I am found guilty, no enforcement of court orders not complied with by Glen Andrew Hall that he pushed for as my defense attorney, no asking for sanctions for noncompliance with those court orders, and then a “Scott Albrecht” works for the very same prosecuting attorney who prosecuted me at the Trial in the General District Court on December 21, 2018, with Scott Albrecht as my defense attorney.

12. I have a right to feel suspicious. Seeing the same name “Scott Albrecht” working for the other side in my case, working for Glen Andrew Hall aka Andy Hall the Commonwealth Attorney who is the prosecuting attorney for my case in General District Court and in the Circuit Court.

13. My suspicions are warranted here. The argument is this to the best of my opinion and belief under penalty of perjury. If my lawyer did such a terrible job as the Trial attorney in the General District Court, meaning he is not a very good lawyer, then why is he hired by the Commonwealth Attorney and paid by the Commonwealth Attorney or whatever as that name is clearly shown in the Staff Directory for the City of Martinsville??? I don't know when he was hired and why he was hired, and don't know if it is the same Scott Albrecht but the odds are very remote that it could be a different attorney named Scott Albrecht. The possibility that it may be a different Scott Albrecht who happens to be an attorney, working in Martinsville or for the Commonwealth Attorney in Martinsville. If he was such a poor lawyer who did a poor job at my case, then why was he named as an Assistant Commonwealth's Attorney??? That would make him a traitor. This is unethical, this is unprofessional, this is a conflict of interest if it wasn't already. That makes me suspicious that I felt that he definitely took part in defrauding the court as claims I had brought up in my filed Motion on January 26, 2023.

14. I feel that it is warranted for the Honorable Circuit Court to conduct an inquiry of Glen Andrew Hall, Esquire about his: "Assistant Commonwealth's Attorney" named "Scott Albrecht". This is definitely a conflict of interest in my opinion. Glen Andy Hall needs to file a letter with the Court stating under penalty of perjury that Scott Albrecht needs to recuse himself from the prosecution team

regarding this criminal case. That would be ethical to me. Scott Albrecht needs to recuse himself if it is the very same Scott Albrecht. I am concerned here, extremely concerned.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 13, 2023.



*Brian D. Hill*  
*Signed*

**Brian D. Hill**

Brian D. Hill  
Defendant

Former news reporter of U.S.W.G.O. Alternative News

Ally of Q

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

(276) 790-3505



[JusticeForUSWGO.NL](http://JusticeForUSWGO.NL) or [JusticeForUSWGO.wordpress.com](http://JusticeForUSWGO.wordpress.com)

### **CERTIFICATE OF SERVICE, CERTIFICATE OF FILING**

I hereby certify that a true and accurate copy of the foregoing Motion was  
emailed/transmitted by my Assistant Roberta Hill at [rbhill67@comcast.net](mailto:rbhill67@comcast.net) (due to  
Probation Conditions of not being allowed to use the Internet) to have delivered this  
Page **11** of **13**

(1) pleading and attachment of 2-page printout on the 13th day of February, 2023, to the following parties:

1. Commonwealth of Virginia
2. City of Martinsville

Again, by having representative Roberta Hill filing this pleading and attachment of 2-page printout on his behalf, filing with the Court, through email address [rbhill67@comcast.net](mailto:rbhill67@comcast.net), transmit a copy of this pleading to the following attorneys who represent the above parties to the case:

Glen Andrew Hall, Esq. Commonwealth Attorney's Office for the City of Martinsville 55 West Church Street P.O. Box 1311 Martinsville, Virginia 24114/24112 Attorney for the Commonwealth Phone: (276) 403-5470 Fax: (276) 403-5478 Email: <a href="mailto:ahall@ci.martinsville.va.us">ahall@ci.martinsville.va.us</a>	Hon. Jean P. Nunn, Clerk of the Court Circuit Court for the City of Martinsville Phone: 276-403-5106 Fax: 276-403-5232 55 West Church Street, Room 205 P.O. Box 1206 Martinsville, VA 24114 Email: <a href="mailto:jnunn@ci.martinsville.va.us">jnunn@ci.martinsville.va.us</a>
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The reason why Brian David Hill must use such a representative to serve such pleading with the Clerk on his behalf is because Brian is currently still under the conditions of Supervised Release for the U.S. District Court barring internet usage without permission. Brian's Probation Officer is aware of Roberta Hill using her email for conducting court business concerning Brian Hill or court business with the Probation Office in regards to Brian David Hill. Therefore, Roberta Hill is filing the pleading on Brian's behalf for official court business. Brian has authorized her to file the pleading.

All exhibits or any exhibits with anything printed from any internet-based service was printed and researched by Roberta Hill.

That should satisfy the Certificate of Service regarding letters/pleadings during the ongoing Covid-19 pandemic. If the Court wishes to contact the filer over any issues or concerns, please feel free to contact the filer Brian David Hill directly by telephone or by mailing. They can also contact c / o Roberta Hill at [rbhill67@comcast.net](mailto:rbhill67@comcast.net) and request that she forward the message and any documents or attachments to Brian David Hill to view offline for his review.

Brian D. Hill  
*Signed*

Brian D. Hill  
*Signed*

Brian D. Hill

Brian D. Hill

Defendant

Former news reporter of U.S.W.G.O. Alternative News

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**See the two-page attachment to this pleading:**

**Filename: Staff Directory • Martinsville, VA • CivicEngage.pdf**

Page 13 of 13

## Commonwealth's Attorney

[Directions](#)

**Physical Address:**

[View Map](#)

55 W Church Street  
Martinsville, VA 24112

**Mailing Address:**

P.O. Box 1311  
Martinsville, VA 24112

**Phone:**

276-403-5470

**Fax:**

276-403-5478

Link: [Commonwealth's Attorney's Office Page](#)

### Staff

**Name**

**Title**

[Albrecht, Scott](#)

Assistant Commonwealth's Attorney

[Finn, Patrick](#)

Assistant Commonwealth's Attorney

[Hall, G. Andrew](#)

Commonwealth's Attorney

[Herrero, Alberto Z.](#)

Deputy Commonwealth's Attorney

[Russell, Emily](#)

Assistant Commonwealth's Attorney

### Victim Witness Program

[Directions](#)

**Physical Address:**

[View Map](#)

55 W Church Street  
Room 14  
Martinsville, VA 24112

**Mailing Address:**

P.O. Box 1063  
Martinsville, VA 24112



**Phone:**

276-403-5467 or 276-403-5469

**Fax:**

276-403-5468

Link: [Victim Witness Program Page](#)**Staff**

<b>Name</b>	<b>Title</b>	<b>Email</b>
<a href="#">Laine, Joyce</a>	Victim/Witness Program Assistant Director	<a href="#">Email Joyce Laine</a>
<a href="#">Spangler, Vicky</a>	Victim / Witness Program Director	<a href="#">Email Vicky Spangler</a>

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# Commonwealth's Attorney

[Directions](#)

**Physical Address:**

[View Map](#)

55 W Church Street  
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276-403-5478

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## Staff

**Name**

**Title**

[Albrecht, Scott](#)

Assistant Commonwealth's Attorney

[Finn, Patrick](#)

Assistant Commonwealth's Attorney

[Hall, G. Andrew](#)

Commonwealth's Attorney

[Herrero, Alberto Z.](#)

Deputy Commonwealth's Attorney

[Russell, Emily](#)

Assistant Commonwealth's Attorney

## Victim Witness Program

[Directions](#)

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[View Map](#)

55 W Church Street  
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Martinsville, VA 24112

**Phone:**

276-403-5467 or 276-403-5469

**Fax:**

276-403-5468

Link: [Victim Witness Program Page](#)**Staff**

<b>Name</b>	<b>Title</b>	<b>Email</b>
<a href="#">Laine, Joyce</a>	Victim/Witness Program Assistant Director	<a href="#">Email Joyce Laine</a>
<a href="#">Spangler, Vicky</a>	Victim / Witness Program Director	<a href="#">Email Vicky Spangler</a>

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**Subject:** Martinsville Circuit Court, Two Notices of Appeal, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill

**From:** ROBERTA HILL <rbhill67@comcast.net>

**Date:** 2/21/2023, 3:39 PM

**To:** "Hon. Jean P. Nunn, Clerk of the Court" <jnunn@ci.martinsville.va.us>, Martinsville City Commonwealth's Attorney <ahall@ci.martinsville.va.us>, nsherman@ci.martinsville.va.us, "OAG Criminal Litigation (oagcriminallitigation@oag.state.va.us)" <oagcriminallitigation@oag.state.va.us>, "Coen, Chris" <cco@oag.state.va.us>, ehamilton@ci.martinsville.va.us, "Hill, Justin B." <JHill@oag.state.va.us>

**CC:** Ken & Stella Forinash <kenstella@comcast.net>, "kenstella2005@comcast.net" <kenstella2005@comcast.net>, "stanleybolten@justiceforuswgo.nl" <StanleyBolten@justiceforuswgo.nl>

Clerk of Circuit Court for the City of Martinsville;

CC: Glen Andrew Hall, Esquire.;

CC: Assistant Attorney General Justin Hill, Esq.,

I am Roberta Hill, Brian's mother. I am filing two Notices of Appeal regarding two orders of the Circuit Court. It is all being filed through email to you on Brian's behalf due to his federal probation conditions where he is not allowed to use the internet. He is having me file this pleading on his behalf. My son is having me to serve the respondents through email as well. This email to the Clerk with the Respondents in the email message headers prove to the Clerk that I had served the Respondents a copy of these pleadings, and may also be faxed as well by Brian D. Hill in the event that email fail.

Filings are attached:

**1-Notice-of-Appeal-2-21-2023.pdf:** - 1st Notice of Appeal regarding final order entered February 17, 2023

**2-Notice-of-Appeal-2-21-2023.pdf:** 2nd Notice of Appeal regarding final order entered February 14, 2023

To Clerk: Please confirm by read receipt or response message confirming that you have received this. Thank You!

Roberta Hill (representative for electronic filing)

310 Forest Street, Apartment 1

Martinsville, Virginia 24112

Two Notices of Appeal, case no. CR19000009-00, Circuit Court for the City of Martinsville Commonwealth of Virginia, City of Martinsville v. Brian David Hill

Defendant:

Brian David Hill

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

Thanks,  
Roberta

Attachments:	
1-Notice-of-Appeal-2-21-2023.pdf	258 KB
2-Notice-of-Appeal-2-21-2023.pdf	452 KB

**VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE**

**COMMONWEALTH OF VIRGINIA,  
CITY OF MARTINSVILLE,  
PLAINTIFF(s),**

**v.**

**BRIAN DAVID HILL,  
DEFENDANT.**

CASE NO: CR19000009-00

NOTICE OF APPEAL (1)

**NOTICE OF APPEAL (1)**

Respectfully submitted with the Court,

This the 21st day of February, 2023.

  
*Signed*

**Brian D. Hill**

**Brian D. Hill  
Defendant**

Former news reporter of U.S.W.G.O. Alternative News

Ally of Q

310 Forest Street, Apartment 2

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COVER PAGE

## SUMMARY

Brian David Hill, criminal case Defendant, and Appellant, pro se, hereby appeals to the Court of Appeals of Virginia from the final judgment of this Court by final order entered February 17, 2023, denying Brian Hill's Motion entitled: "MOTION TO RECONSIDER THE ORDER DENYING "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS" (Motion For Reconsideration), filed on February 17, 2023.

There are no transcripts as there was no hearing over the denial of that motion. The Defendant's "MOTION TO RECONSIDER THE ORDER..."

Defendant/Appellant is also preserving all issues for appeal from all of the foregoing motions which were denied.

**PRESERVATION OF ISSUES FOR APPEAL RAISED IN MOTIONS AND PRESERVATION OF ISSUES OF JUDGE GREER'S ORDER AND DOCUMENTATION OF IGNORING OF EVIDENCE, IGNORING OF WITNESSES, ALLOWING CONTEMPT OF COURT MULTIPLE TIMES, ALLOWING CRIMES TO BE COMMITTED, REFUSAL TO ALLOW THE COMMONWEALTH ATTORNEY TO RESPOND**

However, Defendant made it clear that ignoring the evidence and ignoring the case law authorities was violating due process of law under the Fourteenth Amendment of the U.S. Constitution and the Constitution of Virginia, Article I., Section 8. Criminal prosecutions, and Section 11. Due process of law; obligation of contracts; taking or damaging of private property; prohibited discrimination; jury trial in civil cases. The judge filed his order denying it all quickly without even requesting a response from the Commonwealth's Attorney, without conducting any evidentiary hearing or inquiry hearing as to any of the issues, grounds, and elements which it raised.

1. Judge Greer has failed to address the issues of Attorney Scott Albrecht (Public Defender Assistant) who had represented the Defendant Brian David Hill had switched sides after losing Brian's case on purpose in the General District Court on December 21, 2018, Brian filed a pro se notice of appeal then Scott Albrecht was forced to file a notice of appeal too because Brian Hill wasn't going to put up with a lousy good for nothing traitor lawyer. This same lawyer allowed unlawful destruction of evidence by Martinsville Police Department as admitted by police chief Rob Fincher, allowed CONTEMPT OF COURT multiple times and Obstruction of Justice by unlawful destruction of evidence. Then Scott Albrecht is rewarded by not only having Defendant owe attorney fees, he was hired as an "Assistant Commonwealth's Attorney" working for Glen Andrew Hall, the very



prosecutor who prosecuted the criminal case against the Defendant. That is a conflict of interest as was already brought in the Motion to Reconsider, brought up in Declaration of evidence that a Scott Albrecht is an Assistant Commonwealth's Attorney providing evidence of a printout from the City of Martinsville staff directory, a GOVERNMENT WEBSITE, mentions Glen Andrew Hall's name and Scott Albrecht working for the same Commonwealth's Attorney as said in the Staff Directory. This is starting to prove that Scott Albrecht may have colluded with Glen Andrew Hall to commit a fraud upon the court. See Rules of Professional Conduct 1.3, 1.6 and 1.7; see also *Holloway v. Arkansas*, 435 U.S. 475 (1978); *Dowell v. Commonwealth*, 3 Va. App. 555 (1987). Judge Greer allowed a conflict of interest without ever conducting an inquiry or investigation even though it is the Judge's duty to do so. A Judge has a DUTY to prevent any conflicts of interest involving attorneys in cases the judge presides over. He is allowing a conflict of interest in both the case and in the appeals (assuming if Glen Andrew Hall and his asst. Scott Albrecht has any influence over the Assistant Attorney General). Scott Albrecht betrayed Brian David Hill the criminal defendant in this case. This is not a normal situation or maybe this is how the Circuit Court has been operating for a long-time taking advantage of the poor people and mentally handicapped who are forced to have a Public Defender who works for the Commonwealth's Attorney. This is rigged, the criminal case is rigged, the jury trial was going to be rigged, the Trial in

General District Court was RIGGED, it is a rigged judicial process, a rigged judicial system in the City of Martinsville. When a court is rigged, there can never be any justice, it is impossible to obtain any justice out of a rigged court. It is a clear conflict of interest here and this Judge is refusing to investigate or conduct any inquiries into this conflict of interest.

2. This Judge also refused to conduct any inquiry or investigation into the fraud on the court. The record is now a fraud, the court has allowed fraud on its court. He is colluding with the fraud on the court. Defendant asserts that Judge Greer has proven in the record of the Trial Court that he is colluding with both Glen Andrew Hall and Scott Albrecht to wrongfully convict the Defendant using Judge Greer's buddies or friends. They all know each other and seem to want to protect and defend each other like some kind of gang or mafia. They stick up for their own even when their own break laws and rules. This is collusion and fraud accepted by the Judge of this Circuit court. FRAUD, COLLUSION, Unethical, Conflict of interest. This violates the principles set by both the U.S. Constitution and Virginia Constitution's separation of powers clause. We have a separation of powers clause in the Constitutions for a reason. A judge should not be buddies with anybody else, or even if he/she was buddies with others that may get involved in the judicial system or case somehow, then ethics should strictly be enforced. This is unethical that Scott Albrecht was never inquired as to his relationship with Glen Andrew

Hall, that Scott Albrecht allowed Glen Andrew Hall to help destroy police body-camera footage within the scope of three court orders in total. The body-camera footage was illegally destroyed on April 9, 2019 according to Police Chief Rob Fincher. Scott Albrecht knew Brian David Hill wanted this body-camera footage but refused to do anything to fight for it before it was destroyed, refused to fight to enforce any of the court orders not complied with. Ignoring a Court Order is CONTEMPT OF COURT. Refusing to comply with a Court Order is CONTEMPT OF COURT. Glen Andrew Hall should be charged with CONTEMPT OF COURT three different times if not two times, that is the law. Scott Albrecht colluded with Glen Andrew Hall because Glen Andrew Hall had hired Scott Albrecht and this court refused to conduct any inquiry into this even though it is this COURT'S DUTY.

3. This is clear collusion, this Judge is buddies with Glen Andrew Hall, it is clear that this judge has committed serious ethics violations to hold an innocent man hostage for a crime he is innocent of. Innocent man Brian David Hill is being held hostage and only Governor Youngkin or any future Governor of Virginia can fix this mess. This is serious corruption issues. The Court of Appeals of Virginia (CAV) needs to strike down Judge Greer's orders. Judge Greer has acted in a manner inconsistent with due process of law. The Trial Court has acted in a manner inconsistent with due process of law, all along since the very beginning. Acted in an

unethical manner and allowed a conflict of interest, is allowing one or more frauds to stand to keep an innocent man convicted and owing money to the Commonwealth of Virginia, owing a debt caused by such conflicts of interest and corruption and collusion and FRAUD.

4. Collusion, fraud, conflict of interest, depriving a criminal defendant of due process of law, both procedural due process of law and substantive due process of law. This is entirely become one or more abuses of discretion, and errors.

5. When Brian David Hill was sending letters to the Circuit Court from both Western Virginia Regional Jail (WVRJ) in December to January 2019 and Federal Correctional Institution 1 (FCI) in Butner, North Carolina from January 2019 on up, Judge Greer and Glen Andrew Hall worked together (colluded) to wanted to issue a capias against the Defendant when the Deputy Master Clerk Jeanie Nunn knew that Defendant was sending letters from a jail or prison at the time so she knew that Brian couldn't of failed to appear because he had no choice, HE WAS IN JAIL AND PRISON IN BUTNER NORTH CAROLINA A FEDERAL PRISON. Judge Greer and Glen Andrew Hall wanted a failure to appear against the Defendant in 2019 knowing that there was a federal detainer on him since November, 2018, before the Trial in General District Court. Then this same judge is okay with unlawful destruction of evidence in response to the court orders regarding discovery in sheer non-compliance with two court orders and a third court order after the dirty

deed of illegally destroying evidence was done; and is okay with federal obstruction of justice in violation of 18 U.S. Code § 1519. It is an illegal obstruction of justice, A FEDERAL CRIME, ILLEGAL, for Martinsville Police Department under Police Chief G. E. Cassady and Commonwealth's Attorney Glen Andrew Hall to have deleted the body-camera footage on April 9, 2019 in the Digital Video Management System (DVMS) after multiple court orders, not even marking the footage as "evidence" when it clearly was material evidence to Defendant's charge. THIS IS FRAUD, COLLUSION. Also, the Police Department had contacted U.S. Probation Officer Jason McMurray after Defendant gave him his Probation Officer's name, they had his information and then the U.S. Probation Office conducted an investigation after Defendant's arrest on September 21, 2018. The United States Probation Office is a federal office, they are considered a law enforcement agency even though they are an agency of the federal judiciary. They are within the scope of being protected by law from unlawful evidence destruction, then it becomes a federal crime after evidence is unlawfully destroyed.

6. See 18 U.S.C. § 1519 ("Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any case filed under title 11, or in relation to or

contemplation of any such matter or case, shall be fined under this title, imprisoned not more than 20 years, or both. 18 U.S.C. § 1519 Added Pub. L. 107-204, title VIII, §802(a), July 30, 2002, 116 Stat. 800.”)

7. Glen Andrew Hall, Judge Giles Carter Greer, Officer Robert Jones, Scott Albrecht who was Asst. Public Defender and Asst. Commonwealth’s Attorney, and former Police Chief G. E. Eddie Cassady are all committing a federal crime of violating 18 U.S.C. § 1519. They all committed the crime by all taking part in the unlawful destruction of the police body-camera footage by the DVMS system, after being given plenty of warning by multiple letters to G. E. Cassady asking for the body-camera footage. The court orders, the policy of Martinsville Police Department, none of it was followed. It is ALL ILLEGAL. It is obstruction of justice with no excuse as to why they violated 18 U.S.C. § 1519. The U.S. Marshals need to arrest them all and try them for violation of 18 U.S.C. § 1519. Unlawful illegal destruction of evidence. They are allowing contempt of court by Glen Andrew Hall because he is a “COMMONWEALTH ATTORNEY”. So, this Court is sending a dangerous message that he can violate any law he so desires. He can destroy any evidence he so desires, any evidence he wants to destroy he can do so with impunity and Judge Greer is his BUDDY, his FRIEND, he will protect his friend and buddy. This is collusion, unethical, criminal, criminal behavior, and is racketeering. They are all breaking laws and allowing laws to be broken by the

lawyers, in sheer violation of the federal Racketeer Influenced and Corrupt Organizations Act. See Racketeer Influenced and Corrupt Organizations Act (RICO): Originally published: October 15, 1970; Public law: 91-452; Enacted by: the 91st United States Congress; Long title: An Act relating to the control of organized crime in the United States; Statutes at Large: 84 Stat. 922-3 aka 84 Stat. 941; Titles amended: 18 U.S.C.: Crimes and Criminal Procedure; U.S.C. sections created: 18 U.S.C. §§ 1961–1968.

This appeal is being filed in good faith as it doesn't make sense for a Court to punish a criminal Defendant who has disproven multiple elements of the charged crime and not punish Glen Andrew Hall for refusing to comply with court orders and illegally destroying evidence. This is fraud, this is collusion. This is corruption. This is racketeering to demand any legal fees from the Defendant at this stage with all of the evidence on the record here. This is criminal racketeering and holding a man hostage who shouldn't be. He is innocent. **Brian David Hill = Innocence.**

No guilty plea was entered as the only plea this may resemble was an Alford Plea which is not a guilty plea when evidence surfaces at a later time on disproving the elements of the charge, Judge Greer knows that. None of this is right, none of this is moral. This is a complete miscarriage of justice and is collusion, fraud, and corruption without a doubt against an innocent man. I am being held hostage by

these people, they are holding me hostage to my federal supervised release violation and causing my sentence to being extended. This is NOT MORAL; this is not the way criminal defendants should be treated in any court of law. Due process of law, DUE PROCESS OF LAW, DUE PROCESS OF LAW, DUE PROCESS OF LAW, GIVE ME LIBERTY OR GIVE ME DEATH!!!

Give me Liberty or Give Me Death. – As Patrick Henry said in Richmond, Virginia at Saint John’s Church. The answer to George Orwell’s 1984 is 1776. The answer to 1984 is 1776.

Respectfully submitted with the Court, This the 21st day of February, 2023.

  
Signed

Brian D. Hill

Brian D. Hill  
Defendant

Former news reporter of U.S.W.G.O. Alternative News  
Ally of Q

310 Forest Street, Apartment 2  
Martinsville, Virginia 24112  
(276) 790-3505

**U.S.W.G.O.**

JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com



## **CERTIFICATE OF SERVICE, CERTIFICATE OF FILING**

I hereby certify that a true and accurate copy of the foregoing NOTICE OF APPEAL was faxed or emailed/transmitted by my Assistant Roberta Hill at [rbhill67@comcast.net](mailto:rbhill67@comcast.net)



(due to Probation Conditions of not being allowed to use the Internet) or delivered this 21st day of February, 2022, to the following parties:

The undersigned certifies as follows:

1. The name and address of the Appellant is:

Brian David Hill – Ally of Q and Attorney Lin Wood  
Family/Friend site: JusticeForUSWGO.wordpress.com or JusticeForUSWGO.NL  
310 Forest Street, Apartment 2  
Martinsville, Virginia 24112

2. Appellant is not represented by counsel at this time.

3. The names of Appellees is:

Commonwealth of Virginia  
City of Martinsville

4. The name, address, and telephone number of counsel for appellees' is:

G. Andrew Hall  
Martinsville Commonwealth's Attorney  
55 W. Church Street  
Martinsville, VA 24112  
(276) 403-5470

5. A copy of this Notice of Appeal has been electronically transmitted by Roberta Hill (electronic filing representative) via email to the Martinsville Circuit Court Clerk's Office, to opposing counsel, and electronically filed by Roberta Hill (electronic filing representative) through the Court's VACES system to the Clerk of the Court of Appeals of Virginia, all on February 21, 2023.

The following parties with fax numbers and email addresses of the parties are listed herein:

Glen Andrew Hall, Esq. Commonwealth Attorney's Office for the City of Martinsville 55 West Church Street P.O. Box 1311 Martinsville, Virginia 24114/24112 Attorney for the Commonwealth Phone: (276) 403-5470 Fax: (276) 403-5478 Email: <a href="mailto:ahall@ci.martinsville.va.us">ahall@ci.martinsville.va.us</a>	Hon. Ashby R. Pritchett, Clerk of the Court Circuit Court for the City of Martinsville Phone: 276-403-5106 Fax: 276-403-5232 55 West Church Street, Room 205 P.O. Box 1206 Martinsville, VA 24114 Email: <a href="mailto:apritchett@vacourts.gov">apritchett@vacourts.gov</a>
--	--

The reason why Brian David Hill must use such a representative to serve such pleading with the Clerk on his behalf is because Brian is currently still under the conditions of Supervised Release for the U.S. District Court barring internet usage without permission. Brian's Probation Officer is aware of Roberta Hill using her email for conducting court business concerning Brian Hill or court business with the Probation Office in regards to Brian David Hill. Therefore Roberta Hill is filing the pleading on Brian's behalf for official court business. Brian has authorized her to file the pleading. All exhibits or any exhibits with anything printed from any internet based service was printed and researched by Roberta Hill.

That should satisfy the Certificate of Service regarding letters/pleadings. If the Court wishes to contact the filer over any issues or concerns, please feel free to contact the filer Brian David Hill directly by telephone or by mailing. They can also contact c / o Roberta Hill at [rbhill67@comcast.net](mailto:rbhill67@comcast.net) and request that she forward the message and any documents or attachments to Brian David Hill to view offline for his review.

  
Signed

Brian D. Hill  
Brian D. Hill  
Defendant



Former news reporter of U.S.W.G.O. Alternative News  
Ally of Q  
310 Forest Street, Apartment 2  
Martinsville, Virginia 24112  
(276) 790-3505  
JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com

**VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE**

**COMMONWEALTH OF VIRGINIA,  
CITY OF MARTINSVILLE,  
PLAINTIFF(s),**

**v.**

**BRIAN DAVID HILL,  
DEFENDANT.**

CASE NO: CR19000009-00

NOTICE OF APPEAL (2)

**NOTICE OF APPEAL (2)**

Respectfully submitted with the Court,

This the 21st day of February, 2023.

  
*Signed*

**Brian D. Hill**

**Brian D. Hill**

**Defendant**

**Former news reporter of U.S.W.G.O. Alternative News**

**Ally of Q**

**310 Forest Street, Apartment 2**

**Martinsville, Virginia 24112**

**(276) 790-3505**

**U.S.W.G.O.**

**JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com**



**COVER PAGE**

## SUMMARY

Brian David Hill, criminal case Defendant, and Appellant, pro se, hereby appeals to the Court of Appeals of Virginia from the final judgment of this Court by final order entered February 14, 2023 (attached thereto), denying Brian Hill's Motion entitled: "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS", filed on January 26, 2023.

There are no transcripts as there was no hearing over the denial of that motion. The Defendant's "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS".

Defendant/Appellant is also preserving all issues for appeal from all of the foregoing motions which were denied.

**PRESERVATION OF ISSUES FOR APPEAL RAISED IN MOTIONS AND PRESERVATION OF ISSUES OF JUDGE GREER'S ORDER AND DOCUMENTATION OF IGNORING OF EVIDENCE, IGNORING OF**

**WITNESSES, ALLOWING CONTEMPT OF COURT MULTIPLE TIMES,  
ALLOWING CRIMES TO BE COMMITTED, REFUSAL TO ALLOW THE  
COMMONWEALTH ATTORNEY TO RESPOND**

However, Defendant made it clear that ignoring the evidence and ignoring the case law authorities was violating due process of law under the Fourteenth Amendment of the U.S. Constitution and the Constitution of Virginia, Article I., Section 8. Criminal prosecutions, and Section 11. Due process of law; obligation of contracts; taking or damaging of private property; prohibited discrimination; jury trial in civil cases. The judge filed his order denying it all quickly without even requesting a response from the Commonwealth's Attorney, without conducting any evidentiary hearing or inquiry hearing as to any of the issues, grounds, and elements which it raised.

1. Judge Greer has failed to address the issues of Attorney Scott Albrecht (Public Defender Assistant) who had represented the Defendant Brian David Hill had switched sides after losing Brian's case on purpose in the General District Court on December 21, 2018, Brian filed a pro se notice of appeal then Scott Albrecht was forced to file a notice of appeal too because Brian Hill wasn't going to put up with a lousy good for nothing traitor lawyer. This same lawyer allowed unlawful destruction of evidence by Martinsville Police Department as admitted by police chief Rob Fincher, allowed CONTEMPT OF COURT multiple times and

Obstruction of Justice by unlawful destruction of evidence. Then Scott Albrecht is rewarded by not only having Defendant owe attorney fees, he was hired as an “Assistant Commonwealth’s Attorney” working for Glen Andrew Hall, the very prosecutor who prosecuted the criminal case against the Defendant. That is a conflict of interest as was already brought in the Motion to Reconsider, brought up in Declaration of evidence that a Scott Albrecht is an Assistant Commonwealth’s Attorney providing evidence of a printout from the City of Martinsville staff directory, a GOVERNMENT WEBSITE, mentions Glen Andrew Hall’s name and Scott Albrecht working for the same Commonwealth’s Attorney as said in the Staff Directory. This is starting to prove that Scott Albrecht may have colluded with Glen Andrew Hall to commit a fraud upon the court. See Rules of Professional Conduct 1.3, 1.6 and 1.7; see also *Holloway v. Arkansas*, 435 U.S. 475 (1978); *Dowell v. Commonwealth*, 3 Va. App. 555 (1987). Judge Greer allowed a conflict of interest without ever conducting an inquiry or investigation even though it is the Judge’s duty to do so. A Judge has a DUTY to prevent any conflicts of interest involving attorneys in cases the judge presides over. He is allowing a conflict of interest in both the case and in the appeals (assuming if Glen Andrew Hall and his asst. Scott Albrecht has any influence over the Assistant Attorney General). Scott Albrecht betrayed Brian David Hill the criminal defendant in this case. This is not a normal situation or maybe this is how the Circuit Court has been operating for a long-time

taking advantage of the poor people and mentally handicapped who are forced to have a Public Defender who works for the Commonwealth's Attorney. This is rigged, the criminal case is rigged, the jury trial was going to be rigged, the Trial in General District Court was RIGGED, it is a rigged judicial process, a rigged judicial system in the City of Martinsville. When a court is rigged, there can never be any justice, it is impossible to obtain any justice out of a rigged court. It is a clear conflict of interest here and this Judge is refusing to investigate or conduct any inquiries into this conflict of interest.

2. This Judge also refused to conduct any inquiry or investigation into the fraud on the court. The record is now a fraud, the court has allowed fraud on its court. He is colluding with the fraud on the court. Defendant asserts that Judge Greer has proven in the record of the Trial Court that he is colluding with both Glen Andrew Hall and Scott Albrecht to wrongfully convict the Defendant using Judge Greer's buddies or friends. They all know each other and seem to want to protect and defend each other like some kind of gang or mafia. They stick up for their own even when their own break laws and rules. This is collusion and fraud accepted by the Judge of this Circuit court. FRAUD, COLLUSION, Unethical, Conflict of interest. This violates the principles set by both the U.S. Constitution and Virginia Constitution's separation of powers clause. We have a separation of powers clause in the Constitutions for a reason. A judge should not be buddies with anybody else,



or even if he/she was buddies with others that may get involved in the judicial system or case somehow, then ethics should strictly be enforced. This is unethical that Scott Albrecht was never inquired as to his relationship with Glen Andrew Hall, that Scott Albrecht allowed Glen Andrew Hall to help destroy police body-camera footage within the scope of three court orders in total. The body-camera footage was illegally destroyed on April 9, 2019 according to Police Chief Rob Fincher. Scott Albrecht knew Brian David Hill wanted this body-camera footage but refused to do anything to fight for it before it was destroyed, refused to fight to enforce any of the court orders not complied with. Ignoring a Court Order is CONTEMPT OF COURT. Refusing to comply with a Court Order is CONTEMPT OF COURT. Glen Andrew Hall should be charged with CONTEMPT OF COURT three different times if not two times, that is the law. Scott Albrecht colluded with Glen Andrew Hall because Glen Andrew Hall had hired Scott Albrecht and this court refused to conduct any inquiry into this even though it is this COURT'S DUTY.

3. This is clear collusion, this Judge is buddies with Glen Andrew Hall, it is clear that this judge has committed serious ethics violations to hold an innocent man hostage for a crime he is innocent of. Innocent man Brian David Hill is being held hostage and only Governor Youngkin or any future Governor of Virginia can fix this mess. This is serious corruption issues. The Court of Appeals of Virginia

(CAV) needs to strike down Judge Greer's orders. Judge Greer has acted in a manner inconsistent with due process of law. The Trial Court has acted in a manner inconsistent with due process of law, all along since the very beginning. Acted in an unethical manner and allowed a conflict of interest, is allowing one or more frauds to stand to keep an innocent man convicted and owing money to the Commonwealth of Virginia, owing a debt caused by such conflicts of interest and corruption and collusion and FRAUD.

4. Collusion, fraud, conflict of interest, depriving a criminal defendant of due process of law, both procedural due process of law and substantive due process of law. This is entirely become one or more abuses of discretion, and errors.

5. When Brian David Hill was sending letters to the Circuit Court from both Western Virginia Regional Jail (WVRJ) in December to January 2019 and Federal Correctional Institution 1 (FCI) in Butner, North Carolina from January 2019 on up, Judge Greer and Glen Andrew Hall worked together (colluded) to wanted to issue a capias against the Defendant when the Deputy Master Clerk Jeanie Nunn knew that Defendant was sending letters from a jail or prison at the time so she knew that Brian couldn't of failed to appear because he had no choice, HE WAS IN JAIL AND PRISON IN BUTNER NORTH CAROLINA A FEDERAL PRISON. Judge Greer and Glen Andrew Hall wanted a failure to appear against the Defendant in 2019 knowing that there was a federal detainer on him since November, 2018,

before the Trial in General District Court. Then this same judge is okay with unlawful destruction of evidence in response to the court orders regarding discovery in sheer non-compliance with two court orders and a third court order after the dirty deed of illegally destroying evidence was done; and is okay with federal obstruction of justice in violation of 18 U.S. Code § 1519. It is an illegal obstruction of justice, A FEDERAL CRIME, ILLEGAL, for Martinsville Police Department under Police Chief G. E. Cassady and Commonwealth's Attorney Glen Andrew Hall to have deleted the body-camera footage on April 9, 2019 in the Digital Video Management System (DVMS) after multiple court orders, not even marking the footage as "evidence" when it clearly was material evidence to Defendant's charge. THIS IS FRAUD, COLLUSION. Also, the Police Department had contacted U.S. Probation Officer Jason McMurray after Defendant gave him his Probation Officer's name, they had his information and then the U.S. Probation Office conducted an investigation after Defendant's arrest on September 21, 2018. The United States Probation Office is a federal office, they are considered a law enforcement agency even though they are an agency of the federal judiciary. They are within the scope of being protected by law from unlawful evidence destruction, then it becomes a federal crime after evidence is unlawfully destroyed.

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tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any case filed under title 11, or in relation to or contemplation of any such matter or case, shall be fined under this title, imprisoned not more than 20 years, or both. 18 U.S.C. § 1519 Added Pub. L. 107-204, title VIII, §802(a), July 30, 2002, 116 Stat. 800.”)

7. Glen Andrew Hall, Judge Giles Carter Greer, Officer Robert Jones, Scott Albrecht who was Asst. Public Defender and Asst. Commonwealth’s Attorney, and former Police Chief G. E. Eddie Cassady are all committing a federal crime of violating 18 U.S.C. § 1519. They all committed the crime by all taking part in the unlawful destruction of the police body-camera footage by the DVMS system, after being given plenty of warning by multiple letters to G. E. Cassady asking for the body-camera footage. The court orders, the policy of Martinsville Police Department, none of it was followed. It is ALL ILLEGAL. It is obstruction of justice with no excuse as to why they violated 18 U.S.C. § 1519. The U.S. Marshals need to arrest them all and try them for violation of 18 U.S.C. § 1519. Unlawful illegal destruction of evidence. They are allowing contempt of court by Glen Andrew Hall because he is a “COMMONWEALTH ATTORNEY”. So, this Court is sending a dangerous message that he can violate any law he so desires. He can destroy any evidence he so desires, any evidence he wants to destroy he can do so

with impunity and Judge Greer is his BUDDY, his FRIEND, he will protect his friend and buddy. This is collusion, unethical, criminal, criminal behavior, and is racketeering. They are all breaking laws and allowing laws to be broken by the lawyers, in sheer violation of the federal Racketeer Influenced and Corrupt Organizations Act. See Racketeer Influenced and Corrupt Organizations Act (RICO): Originally published: October 15, 1970; Public law: 91-452; Enacted by: the 91st United States Congress; Long title: An Act relating to the control of organized crime in the United States; Statutes at Large: 84 Stat. 922-3 aka 84 Stat. 941; Titles amended: 18 U.S.C.: Crimes and Criminal Procedure; U.S.C. sections created: 18 U.S.C. §§ 1961–1968.

This appeal is being filed in good faith as it doesn't make sense for a Court to punish a criminal Defendant who has disproven multiple elements of the charged crime and not punish Glen Andrew Hall for refusing to comply with court orders and illegally destroying evidence. This is fraud, this is collusion. This is corruption. This is racketeering to demand any legal fees from the Defendant at this stage with all of the evidence on the record here. This is criminal racketeering and holding a man hostage who shouldn't be. He is innocent. **Brian David Hill = Innocence.**

No guilty plea was entered as the only plea this may resemble was an Alford Plea which is not a guilty plea when evidence surfaces at a later time on disproving

the elements of the charge, Judge Greer knows that. None of this is right, none of this is moral. This is a complete miscarriage of justice and is collusion, fraud, and corruption without a doubt against an innocent man. I am being held hostage by these people, they are holding me hostage to my federal supervised release violation and causing my sentence to being extended. This is NOT MORAL; this is not the way criminal defendants should be treated in any court of law. Due process of law, DUE PROCESS OF LAW, DUE PROCESS OF LAW, DUE PROCESS OF LAW, GIVE ME LIBERTY OR GIVE ME DEATH!!!

Give me Liberty or Give Me Death. – As Patrick Henry said in Richmond, Virginia at Saint John’s Church. The answer to George Orwell’s 1984 is 1776. The answer to 1984 is 1776.

Respectfully submitted with the Court, This the 21st day of February, 2023.

*Brian D. Hill*  
*Signed*

Brian D. Hill

Brian D. Hill  
Defendant

Former news reporter of U.S.W.G.O. Alternative News  
Ally of Q  
310 Forest Street, Apartment 2  
Martinsville, Virginia 24112  
(276) 790-3505



JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com

**CERTIFICATE OF SERVICE, CERTIFICATE OF FILING**

Page 11 of 14

I hereby certify that a true and accurate copy of the foregoing NOTICE OF APPEAL was faxed or emailed/transmitted by my Assistant Roberta Hill at [rbhill67@comcast.net](mailto:rbhill67@comcast.net) (due to Probation Conditions of not being allowed to use the Internet) or delivered this 21st day of February, 2022, to the following parties:

The undersigned certifies as follows:

1. The name and address of the Appellant is:

Brian David Hill – Ally of Q and Attorney Lin Wood  
Family/Friend site: [JusticeForUSWGO.wordpress.com](http://JusticeForUSWGO.wordpress.com) or [JusticeForUSWGO.NL](http://JusticeForUSWGO.NL)  
310 Forest Street, Apartment 2  
Martinsville, Virginia 24112

2. Appellant is not represented by counsel at this time.

3. The names of Appellees is:

Commonwealth of Virginia  
City of Martinsville

4. The name, address, and telephone number of counsel for appellees' is:

G. Andrew Hall  
Martinsville Commonwealth's Attorney  
55 W. Church Street  
Martinsville, VA 24112  
(276) 403-5470

5. A copy of this Notice of Appeal has been electronically transmitted by Roberta Hill (electronic filing representative) via email to the Martinsville Circuit Court Clerk's

Office, to opposing counsel, and electronically filed by Roberta Hill (electronic filing representative) through the Court's VACES system to the Clerk of the Court of Appeals of Virginia, all on February 21, 2023.

The following parties with fax numbers and email addresses of the parties are listed herein:

Glen Andrew Hall, Esq. Commonwealth Attorney's Office for the City of Martinsville 55 West Church Street P.O. Box 1311 Martinsville, Virginia 24114/24112 Attorney for the Commonwealth Phone: (276) 403-5470 Fax: (276) 403-5478 Email: <a href="mailto:ahall@ci.martinsville.va.us">ahall@ci.martinsville.va.us</a>	Hon. Ashby R. Pritchett, Clerk of the Court Circuit Court for the City of Martinsville Phone: 276-403-5106 Fax: 276-403-5232 55 West Church Street, Room 205 P.O. Box 1206 Martinsville, VA 24114 Email: <a href="mailto:apritchett@vacourts.gov">apritchett@vacourts.gov</a>
--	--

The reason why Brian David Hill must use such a representative to serve such pleading with the Clerk on his behalf is because Brian is currently still under the conditions of Supervised Release for the U.S. District Court barring internet usage without permission. Brian's Probation Officer is aware of Roberta Hill using her email for conducting court business concerning Brian Hill or court business with the Probation Office in regards to Brian David Hill. Therefore Roberta Hill is filing the pleading on Brian's behalf for official court business. Brian has authorized her to file the pleading. All exhibits or any exhibits with anything printed from any internet based service was printed and researched by Roberta Hill.

That should satisfy the Certificate of Service regarding letters/pleadings. If the Court wishes to contact the filer over any issues or concerns, please feel free to contact the filer Brian David Hill directly by telephone or by mailing. They can also contact c / o Roberta Hill at [rbhill67@comcast.net](mailto:rbhill67@comcast.net) and request that she forward the message and any documents or attachments to Brian David Hill to view offline for his review.

  
\_\_\_\_\_  
Brian D. Hill



**U.S.W.G.O.**



Brian D. Hill

Defendant

Former news reporter of U.S.W.G.O. Alternative News

Ally of Q

310 Forest Street, Apartment 2

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VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA

v.

ORDER

Case No. CR19000009-00

BRIAN DAVID HILL

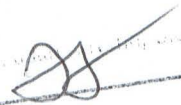
UPON CONSIDERATION of the defendant's Motion for Set Aside or Relieve Defendant of Judgment of Conviction of Criminal Charge, it is ORDERED that said motion is hereby DENIED.

ENTER: This 14<sup>th</sup> day of February, 2023.

  
Judge

Endorsement is dispensed with – Rule 1:13

TWENTY-FIRST  
JUDICIAL CIRCUIT  
OF VIRGINIA

By: , Deputy Clerk

\*To be supplied by the Clerk

Record #

**BRIAN DAVID HILL v. COMMONWEALTH OF VIRGINIA, et al.**

## AFFIDAVIT OF INDIGENCE

NAME: Brian David Hill

ADDRESS: 310 Forest Street, Apt. 2, Martinsville, VA 24112

OCCUPATION: Disabled, Permanently disabled, handicapped

HOUSEHOLD SIZE (TOTAL NUMBER OF PERSONS  
RESIDING IN THE HOME THAT YOU HAVE FINANCIAL  
RESPONSIBILITY FOR, INCLUDING YOURSELF): 1 Person in Apartment 2

NET MONTHLY INCOME: \$914.00, SSI Disability 42 U.S.C. §407 protected, from U.S. Treasury

NET MONTHLY INCOME OF SPOUSE: N\A

NET MONTHLY INCOME OF EMPLOYED DEPENDENTS: N\A

AMOUNT ON DEPOSIT IN BANKS: \$75.41 at the time of this Affidavit/Declaration

VALUE OF EQUITY IN REAL ESTATE: Own no Real Estate, pay \$500 monthly rent

INCOME PRODUCED BY REAL ESTATE: N\A

OTHER INCOME: Only SSI is my approved income by the Federal Government

VALUE OF PERSONAL PROPERTY: Used furniture and hygiene products, not much for used items.  
The furniture is rented and part of the Apartment being rented.

MAKE, MODEL, AND YEAR OF CARS OWNED: Own no cars

VALUE OF INTEREST IN OTHER PROPERTY: Own no land, own no cars, own no property

APPROXIMATE INDEBTEDNESS:	AMOUNT	LENDER
Circuit Court of Martinsville	\$1,224, likely more but I don't know what total legal debt is.	Legal Costs

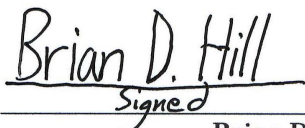
### NOTE:

I usually use up my entire monthly SSI money on things I need like paying any monthly bills such as Rent, hygiene products, legal or mailing expenses, things to deal with my anxiety and stress as I have Generalized Anxiety Disorder as documented in Fed. Court, and any other needs/necessities.

I declare under penalty of perjury that the foregoing is true and correct.

I hereby certify that the foregoing information is accurate to the best of my knowledge.

Executed on February 21, 2023.

  
\_\_\_\_\_  
Signature of Petitioner Brian D. Hill

310 Forest Street, Apt. 2  
Martinsville, Virginia 24112  
(276) 790-3505  
Filing Assistant:  
Roberta Hill  
rbhill67@comcast.net

### Certificate of Service

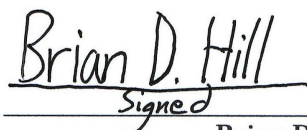
I hereby certify that a true and exact copy of the foregoing affidavit was transmitted by fax/facsimile and by Roberta Hill using email rbhill67@justiceforuswgo.nl/rbhill67@comcast.net, on the following counsel for Appellee's: (1) City of Martinsville and (2) Commonwealth of Virginia:

Martinsville Commonwealth's Attorney  
Office 55 W Church St  
PO Box 1311  
Martinsville, VA 24114  
ahall@ci.martinsville.va.us

Attorney General of Virginia  
202 North Ninth Street  
Richmond, VA 23219  
oagcriminallitigation@oag.state.va.us  
JHill@oag.state.va.us

on the 21st day of February, 2022  
(date) (month)

I hereby certify that the foregoing Affidavit/Declaration was filed by Assistant/Representative Roberta Hill through rbhill67@justiceforuswgo.nl/rbhill67@comcast.net through Virginia Court eFiling System (VACES) with the Clerk of the Court of Appeals of Virginia due to the compliance with the Supervised Release conditions of Appellant:

  
\_\_\_\_\_  
Signature of Petitioner Brian D. Hill

310 Forest Street, Apt. 2  
Martinsville, Virginia 24112  
(276) 790-3505  
Filing Assistant:  
Roberta Hill  
rbhill67@comcast.net

\*To be supplied by the Clerk

Record #

**BRIAN DAVID HILL v. COMMONWEALTH OF VIRGINIA, et al.**

## AFFIDAVIT OF INDIGENCE

NAME: Brian David Hill

ADDRESS: 310 Forest Street, Apt. 2, Martinsville, VA 24112

OCCUPATION: Disabled, Permanently disabled, handicapped

HOUSEHOLD SIZE (TOTAL NUMBER OF PERSONS  
RESIDING IN THE HOME THAT YOU HAVE FINANCIAL  
RESPONSIBILITY FOR, INCLUDING YOURSELF): 1 Person in Apartment 2

NET MONTHLY INCOME: \$914.00, SSI Disability 42 U.S.C. §407 protected, from U.S. Treasury

NET MONTHLY INCOME OF SPOUSE: N\A

NET MONTHLY INCOME OF EMPLOYED DEPENDENTS: N\A

AMOUNT ON DEPOSIT IN BANKS: \$75.41 at the time of this Affidavit/Declaration

VALUE OF EQUITY IN REAL ESTATE: Own no Real Estate, pay \$500 monthly rent

INCOME PRODUCED BY REAL ESTATE: N\A

OTHER INCOME: Only SSI is my approved income by the Federal Government

VALUE OF PERSONAL PROPERTY: Used furniture and hygiene products, not much for used items.  
The furniture is rented and part of the Apartment being rented.

MAKE, MODEL, AND YEAR OF CARS OWNED: Own no cars

VALUE OF INTEREST IN OTHER PROPERTY: Own no land, own no cars, own no property

APPROXIMATE INDEBTEDNESS:	AMOUNT	LENDER
Circuit Court of Martinsville	\$1,224, likely more but I don't know what total legal debt is.	Legal Costs

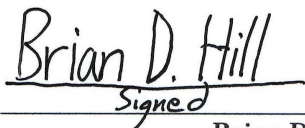
### NOTE:

I usually use up my entire monthly SSI money on things I need like paying any monthly bills such as Rent, hygiene products, legal or mailing expenses, things to deal with my anxiety and stress as I have Generalized Anxiety Disorder as documented in Fed. Court, and any other needs/necessities.

I declare under penalty of perjury that the foregoing is true and correct.

I hereby certify that the foregoing information is accurate to the best of my knowledge.

Executed on February 21, 2023.

  
\_\_\_\_\_  
Signature of Petitioner Brian D. Hill

310 Forest Street, Apt. 2  
Martinsville, Virginia 24112  
(276) 790-3505  
Filing Assistant:  
Roberta Hill  
rbhill67@comcast.net

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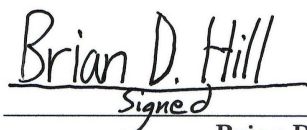
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(date) (month)

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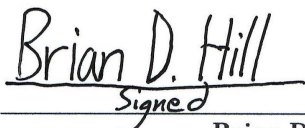
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Signature of Petitioner Brian D. Hill

310 Forest Street, Apt. 2  
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Filing Assistant:  
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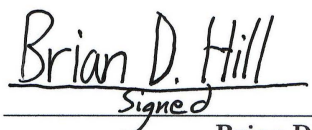
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Signature of Petitioner Brian D. Hill

310 Forest Street, Apt. 2  
Martinsville, Virginia 24112  
(276) 790-3505  
Filing Assistant:  
Roberta Hill  
rbhill67@comcast.net



**Subject:** Martinsville Circuit Court, 3rd Notice of Appeal and financial affidavit, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill  
**From:** ROBERTA HILL <rbhill67@comcast.net>  
**Date:** 2/21/2023, 11:02 PM  
**To:** "Hon. Jean P. Nunn, Clerk of the Court" <jnunn@ci.martinsville.va.us>, Martinsville City Commonwealth's Attorney <ahall@ci.martinsville.va.us>, nsherman@ci.martinsville.va.us, "OAG Criminal Litigation (oagcriminallitigation@oag.state.va.us)" <oagcriminallitigation@oag.state.va.us>, "Coen, Chris" <cco@oag.state.va.us>, ehamilton@ci.martinsville.va.us, "Hill, Justin B." <JHill@oag.state.va.us>  
**CC:** Ken & Stella Forinash <kenstella@comcast.net>, "kenstella2005@comcast.net" <kenstella2005@comcast.net>, "stanleybolten@justiceforuswgo.nl" <StanleyBolten@justiceforuswgo.nl>

Clerk of Circuit Court for the City of Martinsville;  
CC: Glen Andrew Hall, Esquire.;  
CC: Assistant Attorney General Justin Hill, Esq.,

I am Roberta Hill, Brian's mother. I am filing 3rd Notice of Appeal and financial affidavit. It is all being filed through email to you on Brian's behalf due to his federal probation conditions where he is not allowed to use the internet. He is having me file this pleading on his behalf. My son is having me to serve the respondents through email as well. This email to the Clerk with the Respondents in the email message headers prove to the Clerk that I had served the Respondents a copy of these pleadings, and may also be faxed as well by Brian D. Hill in the event that email fail.

Filings are attached:

**3-Notice-of-Appeal-2-21-2023.pdf:** - 3rd Notice of Appeal regarding final order entered February 21, 2023

**3Aff-Indigence2-21-2023.pdf: Affidavit of Indigence for 3rd Notice of Appeal**

To Clerk: Please confirm by read receipt or response message confirming that you have received this. Thank You!

Roberta Hill (representative for electronic filing)  
310 Forest Street, Apartment 1  
Martinsville, Virginia 24112

3rd Notice of Appeal and financial affidavit, case no. CR19000009-00, Circuit Court for the City of Martinsville  
Commonwealth of Virginia, City of Martinsville v. Brian David Hill

Defendant:  
Brian David Hill  
310 Forest Street, Apartment 2  
Martinsville, Virginia 24112

Thanks,  
Roberta

— Attachments: _____	
3-Notice-of-Appeal-2-21-2023.pdf	257 KB
_____	
3Aff-Indigience2-21-2023.pdf	166 KB

**VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE**

**COMMONWEALTH OF VIRGINIA,  
CITY OF MARTINSVILLE,  
PLAINTIFF(s),**

**v.**

**BRIAN DAVID HILL,  
DEFENDANT.**

CASE NO: CR19000009-00

NOTICE OF APPEAL (3)

**NOTICE OF APPEAL (3)**

Respectfully submitted with the Court,

This the 21st day of February, 2023.

  
*Signed*

**Brian D. Hill**

**Brian D. Hill**

**Defendant**

**Former news reporter of U.S.W.G.O. Alternative News**

**Ally of Q**

**310 Forest Street, Apartment 2**

**Martinsville, Virginia 24112**

**(276) 790-3505**

**U.S.W.G.O.**

**JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com**



**COVER PAGE**

## SUMMARY

Brian David Hill, criminal case Defendant, and Appellant, pro se, hereby appeals to the Court of Appeals of Virginia from the final judgment of this Court by final order entered February 21, 2023.

There are no transcripts as there was no hearing over the denial of that motion.

Defendant/Appellant is also preserving all issues for appeal from all of the foregoing motion which were denied.

**PRESERVATION OF ISSUES FOR APPEAL RAISED IN MOTIONS**  
**AND PRESERVATION OF ISSUES OF JUDGE GREER'S ORDER AND**  
**DOCUMENTATION OF IGNORING OF EVIDENCE, IGNORING OF**  
**WITNESSES, ALLOWING CONTEMPT OF COURT MULTIPLE TIMES,**  
**ALLOWING CRIMES TO BE COMMITTED, REFUSAL TO ALLOW THE**  
**COMMONWEALTH ATTORNEY TO RESPOND**

However, Defendant made it clear that ignoring the evidence and ignoring the case law authorities was violating due process of law under the Fourteenth Amendment of the U.S. Constitution and the Constitution of Virginia, Article I., Section 8. Criminal prosecutions, and Section 11. Due process of law; obligation of contracts; taking or damaging of private property; prohibited discrimination; jury trial in civil cases. The judge filed his order denying it all quickly without even

requesting a response from the Commonwealth's Attorney, without conducting any evidentiary hearing or inquiry hearing as to any of the issues, grounds, and elements which it raised.

1. Judge Greer has failed to address the issues of Attorney Scott Albrecht (Public Defender Assistant) who had represented the Defendant Brian David Hill had switched sides after losing Brian's case on purpose in the General District Court on December 21, 2018, Brian filed a pro se notice of appeal then Scott Albrecht was forced to file a notice of appeal too because Brian Hill wasn't going to put up with a lousy good for nothing traitor lawyer. This same lawyer allowed unlawful destruction of evidence by Martinsville Police Department as admitted by police chief Rob Fincher, allowed CONTEMPT OF COURT multiple times and Obstruction of Justice by unlawful destruction of evidence. Then Scott Albrecht is rewarded by not only having Defendant owe attorney fees, he was hired as an "Assistant Commonwealth's Attorney" working for Glen Andrew Hall, the very prosecutor who prosecuted the criminal case against the Defendant. That is a conflict of interest as was already brought in the Motion to Reconsider, brought up in Declaration of evidence that a Scott Albrecht is an Assistant Commonwealth's Attorney providing evidence of a printout from the City of Martinsville staff directory, a GOVERNMENT WEBSITE, mentions Glen Andrew Hall's name and Scott Albrecht working for the same Commonwealth's Attorney as said in the Staff

Directory. This is starting to prove that Scott Albrecht may have colluded with Glen Andrew Hall to commit a fraud upon the court. See Rules of Professional Conduct 1.3, 1.6 and 1.7; see also *Holloway v. Arkansas*, 435 U.S. 475 (1978); *Dowell v. Commonwealth*, 3 Va. App. 555 (1987). Judge Greer allowed a conflict of interest without ever conducting an inquiry or investigation even though it is the Judge's duty to do so. A Judge has a DUTY to prevent any conflicts of interest involving attorneys in cases the judge presides over. He is allowing a conflict of interest in both the case and in the appeals (assuming if Glen Andrew Hall and his asst. Scott Albrecht has any influence over the Assistant Attorney General). Scott Albrecht betrayed Brian David Hill the criminal defendant in this case. This is not a normal situation or maybe this is how the Circuit Court has been operating for a long-time taking advantage of the poor people and mentally handicapped who are forced to have a Public Defender who works for the Commonwealth's Attorney. This is rigged, the criminal case is rigged, the jury trial was going to be rigged, the Trial in General District Court was RIGGED, it is a rigged judicial process, a rigged judicial system in the City of Martinsville. When a court is rigged, there can never be any justice, it is impossible to obtain any justice out of a rigged court. It is a clear conflict of interest here and this Judge is refusing to investigate or conduct any inquiries into this conflict of interest.

2. This Judge also refused to conduct any inquiry or investigation into the fraud on the court. The record is now a fraud, the court has allowed fraud on its court. He is colluding with the fraud on the court. Defendant asserts that Judge Greer has proven in the record of the Trial Court that he is colluding with both Glen Andrew Hall and Scott Albrecht to wrongfully convict the Defendant using Judge Greer's buddies or friends. They all know each other and seem to want to protect and defend each other like some kind of gang or mafia. They stick up for their own even when their own break laws and rules. This is collusion and fraud accepted by the Judge of this Circuit court. FRAUD, COLLUSION, Unethical, Conflict of interest. This violates the principles set by both the U.S. Constitution and Virginia Constitution's separation of powers clause. We have a separation of powers clause in the Constitutions for a reason. A judge should not be buddies with anybody else, or even if he/she was buddies with others that may get involved in the judicial system or case somehow, then ethics should strictly be enforced. This is unethical that Scott Albrecht was never inquired as to his relationship with Glen Andrew Hall, that Scott Albrecht allowed Glen Andrew Hall to help destroy police body-camera footage within the scope of three court orders in total. The body-camera footage was illegally destroyed on April 9, 2019 according to Police Chief Rob Fincher. Scott Albrecht knew Brian David Hill wanted this body-camera footage but refused to do anything to fight for it before it was destroyed, refused to fight to

enforce any of the court orders not complied with. Ignoring a Court Order is CONTEMPT OF COURT. Refusing to comply with a Court Order is CONTEMPT OF COURT. Glen Andrew Hall should be charged with CONTEMPT OF COURT three different times if not two times, that is the law. Scott Albrecht colluded with Glen Andrew Hall because Glen Andrew Hall had hired Scott Albrecht and this court refused to conduct any inquiry into this even though it is this COURT'S DUTY.

3. This is clear collusion, this Judge is buddies with Glen Andrew Hall, it is clear that this judge has committed serious ethics violations to hold an innocent man hostage for a crime he is innocent of. Innocent man Brian David Hill is being held hostage and only Governor Youngkin or any future Governor of Virginia can fix this mess. This is serious corruption issues. The Court of Appeals of Virginia (CAV) needs to strike down Judge Greer's orders. Judge Greer has acted in a manner inconsistent with due process of law. The Trial Court has acted in a manner inconsistent with due process of law, all along since the very beginning. Acted in an unethical manner and allowed a conflict of interest, is allowing one or more frauds to stand to keep an innocent man convicted and owing money to the Commonwealth of Virginia, owing a debt caused by such conflicts of interest and corruption and collusion and FRAUD.



4. Collusion, fraud, conflict of interest, depriving a criminal defendant of due process of law, both procedural due process of law and substantive due process of law. This is entirely become one or more abuses of discretion, and errors.

5. When Brian David Hill was sending letters to the Circuit Court from both Western Virginia Regional Jail (WVRJ) in December to January 2019 and Federal Correctional Institution 1 (FCI) in Butner, North Carolina from January 2019 on up, Judge Greer and Glen Andrew Hall worked together (colluded) to wanted to issue a capias against the Defendant when the Deputy Master Clerk Jeanie Nunn knew that Defendant was sending letters from a jail or prison at the time so she knew that Brian couldn't of failed to appear because he had no choice, HE WAS IN JAIL AND PRISON IN BUTNER NORTH CAROLINA A FEDERAL PRISON. Judge Greer and Glen Andrew Hall wanted a failure to appear against the Defendant in 2019 knowing that there was a federal detainer on him since November, 2018, before the Trial in General District Court. Then this same judge is okay with unlawful destruction of evidence in response to the court orders regarding discovery in sheer non-compliance with two court orders and a third court order after the dirty deed of illegally destroying evidence was done; and is okay with federal obstruction of justice in violation of 18 U.S. Code § 1519. It is an illegal obstruction of justice, A FEDERAL CRIME, ILLEGAL, for Martinsville Police Department under Police Chief G. E. Cassady and Commonwealth's Attorney Glen Andrew Hall to have

deleted the body-camera footage on April 9, 2019 in the Digital Video Management System (DVMS) after multiple court orders, not even marking the footage as “evidence” when it clearly was material evidence to Defendant’s charge. THIS IS FRAUD, COLLUSION. Also, the Police Department had contacted U.S. Probation Officer Jason McMurray after Defendant gave him his Probation Officer’s name, they had his information and then the U.S. Probation Office conducted an investigation after Defendant’s arrest on September 21, 2018. The United States Probation Office is a federal office, they are considered a law enforcement agency even though they are an agency of the federal judiciary. They are within the scope of being protected by law from unlawful evidence destruction, then it becomes a federal crime after evidence is unlawfully destroyed.

6. See 18 U.S.C. § 1519 (“Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any case filed under title 11, or in relation to or contemplation of any such matter or case, shall be fined under this title, imprisoned not more than 20 years, or both. 18 U.S.C. § 1519 Added Pub. L. 107-204, title VIII, §802(a), July 30, 2002, 116 Stat. 800.”)

7. Glen Andrew Hall, Judge Giles Carter Greer, Officer Robert Jones, Scott Albrecht who was Asst. Public Defender and Asst. Commonwealth's Attorney, and former Police Chief G. E. Eddie Cassady are all committing a federal crime of violating 18 U.S.C. § 1519. They all committed the crime by all taking part in the unlawful destruction of the police body-camera footage by the DVMS system, after being given plenty of warning by multiple letters to G. E. Cassady asking for the body-camera footage. The court orders, the policy of Martinsville Police Department, none of it was followed. It is ALL ILLEGAL. It is obstruction of justice with no excuse as to why they violated 18 U.S.C. § 1519. The U.S. Marshals need to arrest them all and try them for violation of 18 U.S.C. § 1519. Unlawful illegal destruction of evidence. They are allowing contempt of court by Glen Andrew Hall because he is a "COMMONWEALTH ATTORNEY". So, this Court is sending a dangerous message that he can violate any law he so desires. He can destroy any evidence he so desires, any evidence he wants to destroy he can do so with impunity and Judge Greer is his BUDDY, his FRIEND, he will protect his friend and buddy. This is collusion, unethical, criminal, criminal behavior, and is racketeering. They are all breaking laws and allowing laws to be broken by the lawyers, in sheer violation of the federal Racketeer Influenced and Corrupt Organizations Act. See Racketeer Influenced and Corrupt Organizations Act (RICO): Originally published: October 15, 1970; Public law: 91-452; Enacted by:

the 91st United States Congress; Long title: An Act relating to the control of organized crime in the United States; Statutes at Large: 84 Stat. 922-3 aka 84 Stat. 941; Titles amended: 18 U.S.C.: Crimes and Criminal Procedure; U.S.C. sections created: 18 U.S.C. §§ 1961–1968.

This appeal is being filed in good faith as it doesn't make sense for a Court to punish a criminal Defendant who has disproven multiple elements of the charged crime and not punish Glen Andrew Hall for refusing to comply with court orders and illegally destroying evidence. This is fraud, this is collusion. This is corruption. This is racketeering to demand any legal fees from the Defendant at this stage with all of the evidence on the record here. This is criminal racketeering and holding a man hostage who shouldn't be. He is innocent. **Brian David Hill = Innocence.**

No guilty plea was entered as the only plea this may resemble was an Alford Plea which is not a guilty plea when evidence surfaces at a later time on disproving the elements of the charge, Judge Greer knows that. None of this is right, none of this is moral. This is a complete miscarriage of justice and is collusion, fraud, and corruption without a doubt against an innocent man. I am being held hostage by these people, they are holding me hostage to my federal supervised release violation and causing my sentence to being extended. This is NOT MORAL; this is not the way criminal defendants should be treated in any court of law. Due process of law,

DUE PROCESS OF LAW, DUE PROCESS OF LAW, DUE PROCESS OF LAW,  
GIVE ME LIBERTY OR GIVE ME DEATH!!!

Give me Liberty or Give Me Death. – As Patrick Henry said in Richmond,  
Virginia at Saint John's Church. The answer to George Orwell's 1984 is 1776. The  
answer to 1984 is 1776.

Respectfully submitted with the Court, This the 21st day of February, 2023.

  
\_\_\_\_\_  
Brian D. Hill

Brian D. Hill  
Defendant

Former news reporter of U.S.W.G.O. Alternative News  
Ally of Q

310 Forest Street, Apartment 2  
Martinsville, Virginia 24112  
(276) 790-3505

**U.S.W.G.O.**

JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com



### **CERTIFICATE OF SERVICE, CERTIFICATE OF FILING**

I hereby certify that a true and accurate copy of the foregoing NOTICE OF APPEAL was  
faxed or emailed/transmitted by my Assistant Roberta Hill at [rbhill67@comcast.net](mailto:rbhill67@comcast.net)  
(due to Probation Conditions of not being allowed to use the Internet) or delivered this  
21st day of February, 2022, to the following parties:

The undersigned certifies as follows:

1. The name and address of the Appellant is:  
Brian David Hill – Ally of Q and Attorney Lin Wood  
Family/Friend site: JusticeForUSWGO.wordpress.com or JusticeForUSWGO.NL  
310 Forest Street, Apartment 2  
Martinsville, Virginia 24112
2. Appellant is not represented by counsel at this time.
3. The names of Appellees is:  
Commonwealth of Virginia  
City of Martinsville
4. The name, address, and telephone number of counsel for appellees' is:  
G. Andrew Hall  
Martinsville Commonwealth's Attorney  
55 W. Church Street  
Martinsville, VA 24112  
(276) 403-5470
5. A copy of this Notice of Appeal has been electronically transmitted by Roberta Hill (electronic filing representative) via email to the Martinsville Circuit Court Clerk's Office, to opposing counsel, and electronically filed by Roberta Hill (electronic filing representative) through the Court's VACES system to the Clerk of the Court of Appeals of Virginia, all on February 21, 2023.

The following parties with fax numbers and email addresses of the parties are listed herein:

Glen Andrew Hall, Esq. Commonwealth Attorney's Office for the City of Martinsville 55 West Church Street P.O. Box 1311 Martinsville, Virginia 24114/24112	Hon. Ashby R. Pritchett, Clerk of the Court Circuit Court for the City of Martinsville Phone: 276-403-5106 Fax: 276-403-5232
--	---

Attorney for the Commonwealth Phone: (276) 403-5470 Fax: (276) 403-5478 Email: <a href="mailto:ahall@ci.martinsville.va.us">ahall@ci.martinsville.va.us</a>	55 West Church Street, Room 205 P.O. Box 1206 Martinsville, VA 24114 Email: <a href="mailto:apritchett@vacourts.gov">apritchett@vacourts.gov</a>
--	---

The reason why Brian David Hill must use such a representative to serve such pleading with the Clerk on his behalf is because Brian is currently still under the conditions of Supervised Release for the U.S. District Court barring internet usage without permission. Brian's Probation Officer is aware of Roberta Hill using her email for conducting court business concerning Brian Hill or court business with the Probation Office in regards to Brian David Hill. Therefore Roberta Hill is filing the pleading on Brian's behalf for official court business. Brian has authorized her to file the pleading. All exhibits or any exhibits with anything printed from any internet based service was printed and researched by Roberta Hill.

That should satisfy the Certificate of Service regarding letters/pleadings. If the Court wishes to contact the filer over any issues or concerns, please feel free to contact the filer Brian David Hill directly by telephone or by mailing. They can also contact c / o Roberta Hill at [rbhill67@comcast.net](mailto:rbhill67@comcast.net) and request that she forward the message and any documents or attachments to Brian David Hill to view offline for his review.

*Brian D. Hill*  
*Signed*

**Brian D. Hill**  
 Brian D. Hill  
 Defendant

Former news reporter of U.S.W.G.O. Alternative News  
 Ally of Q

310 Forest Street, Apartment 2  
 Martinsville, Virginia 24112  
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**U.S.W.G.O.**



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Record #

**BRIAN DAVID HILL v. COMMONWEALTH OF VIRGINIA, et al.**

## AFFIDAVIT OF INDIGENCE

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ADDRESS: 310 Forest Street, Apt. 2, Martinsville, VA 24112

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RESIDING IN THE HOME THAT YOU HAVE FINANCIAL  
RESPONSIBILITY FOR, INCLUDING YOURSELF): 1 Person in Apartment 2

NET MONTHLY INCOME: \$914.00, SSI Disability 42 U.S.C. §407 protected, from U.S. Treasury

NET MONTHLY INCOME OF SPOUSE: N\A

NET MONTHLY INCOME OF EMPLOYED DEPENDENTS: N\A

AMOUNT ON DEPOSIT IN BANKS: \$75.41 at the time of this Affidavit/Declaration

VALUE OF EQUITY IN REAL ESTATE: Own no Real Estate, pay \$500 monthly rent

INCOME PRODUCED BY REAL ESTATE: N\A

OTHER INCOME: Only SSI is my approved income by the Federal Government

VALUE OF PERSONAL PROPERTY: Used furniture and hygiene products, not much for used items.  
The furniture is rented and part of the Apartment being rented.

MAKE, MODEL, AND YEAR OF CARS OWNED: Own no cars

VALUE OF INTEREST IN OTHER PROPERTY: Own no land, own no cars, own no property

APPROXIMATE INDEBTEDNESS:	AMOUNT	LENDER
Circuit Court of Martinsville	\$1,224, likely more but I don't know what total legal debt is.	Legal Costs

### NOTE:

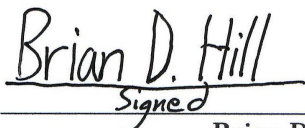
I usually use up my entire monthly SSI money on things I need like paying any monthly bills such as Rent, hygiene products, legal or mailing expenses, things to deal with my anxiety and stress as I have Generalized Anxiety Disorder as documented in Fed. Court, and any other needs/necessities.



I declare under penalty of perjury that the foregoing is true and correct.

I hereby certify that the foregoing information is accurate to the best of my knowledge.

Executed on February 21, 2023.

  
\_\_\_\_\_  
Signature of Petitioner Brian D. Hill

310 Forest Street, Apt. 2  
Martinsville, Virginia 24112  
(276) 790-3505  
Filing Assistant:  
Roberta Hill  
rbhill67@comcast.net

### Certificate of Service

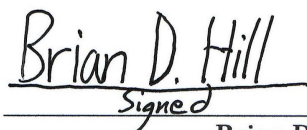
I hereby certify that a true and exact copy of the foregoing affidavit was transmitted by fax/facsimile and by Roberta Hill using email rbhill67@justiceforuswgo.nl/rbhill67@comcast.net, on the following counsel for Appellee's: (1) City of Martinsville and (2) Commonwealth of Virginia:

Martinsville Commonwealth's Attorney  
Office 55 W Church St  
PO Box 1311  
Martinsville, VA 24114  
ahall@ci.martinsville.va.us

Attorney General of Virginia  
202 North Ninth Street  
Richmond, VA 23219  
oagcriminallitigation@oag.state.va.us  
JHill@oag.state.va.us

on the 21st day of February, 2022  
(date) (month)

I hereby certify that the foregoing Affidavit/Declaration was filed by Assistant/Representative Roberta Hill through rbhill67@justiceforuswgo.nl/rbhill67@comcast.net through Virginia Court eFiling System (VACES) with the Clerk of the Court of Appeals of Virginia due to the compliance with the Supervised Release conditions of Appellant:

  
\_\_\_\_\_  
Signature of Petitioner Brian D. Hill

310 Forest Street, Apt. 2  
Martinsville, Virginia 24112  
(276) 790-3505  
Filing Assistant:  
Roberta Hill  
rbhill67@comcast.net

**Subject:** RE: Martinsville Circuit Court, Two Notices of Appeal, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill  
**From:** Jeanie Nunn <JNUNN@ci.martinsville.va.us>  
**Date:** 2/22/2023, 9:30 AM  
**To:** ROBERTA HILL <rbhill67@comcast.net>

Your documents have been received.

Thanks,

JEANIE

**JEAN P. NUNN**, Clerk of Court  
Martinsville Circuit Court Clerk's Office  
(276-403-5251)

---

**From:** ROBERTA HILL <rbhill67@comcast.net>  
**Sent:** Tuesday, February 21, 2023 3:40 PM  
**To:** Jeanie Nunn <JNUNN@ci.martinsville.va.us>; Andy Hall <ahall@ci.martinsville.va.us>; Nancy Sherman <nsherman@ci.martinsville.va.us>; OAG Criminal Litigation (oagcriminallitigation@oag.state.va.us) <oagcriminallitigation@oag.state.va.us>; Coen, Chris <ccoen@oag.state.va.us>; ER Hamilton <EHAMILTON@ci.martinsville.va.us>; Hill, Justin B. <JHill@oag.state.va.us>  
**Cc:** Ken & Stella Forinash <kenstella@comcast.net>; kenstella2005@comcast.net; stanleybolten@justiceforuswgo.nl  
**Subject:** Martinsville Circuit Court, Two Notices of Appeal, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill  
**Importance:** High

**CAUTION:** This email originated outside the City of Martinsville's email system.

Do not click links or open attachments unless you recognize the sender and know the content is safe.

Clerk of Circuit Court for the City of Martinsville;  
CC: Glen Andrew Hall, Esquire.;  
CC: Assistant Attorney General Justin Hill, Esq.,

I am Roberta Hill, Brian's mother. I am filing two Notices of Appeal regarding two orders of the Circuit Court. It is all being filed through email to you on Brian's behalf due to his federal probation conditions where he is not allowed to use the internet. He is having me file this pleading on his behalf. My son is having me to serve the respondents through email as well. This email to the Clerk with the Respondents in the email message headers prove to the Clerk that I had served the Respondents a copy of these pleadings, and may also be faxed as well by Brian D. Hill in the event that email fail.

Filings are attached:

**1-Notice-of-Appeal-2-21-2023.pdf:** - 1st Notice of Appeal regarding final order entered February 17, 2023

**2-Notice-of-Appeal-2-21-2023.pdf:** 2nd Notice of Appeal regarding final order entered February 14, 2023

To Clerk: Please confirm by read receipt or response message confirming that you have received this. Thank You!

Roberta Hill (representative for electronic filing)  
310 Forest Street, Apartment 1  
Martinsville, Virginia 24112

Two Notices of Appeal, case no. CR19000009-00, Circuit Court for the City of Martinsville  
Commonwealth of Virginia, City of Martinsville v. Brian David Hill

Defendant:  
Brian David Hill  
310 Forest Street, Apartment 2  
Martinsville, Virginia 24112

Thanks,  
Roberta

**Subject:** RE: Martinsville Circuit Court, Two Notices of Appeal, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill (Financial Affidavits)  
**From:** Jeanie Nunn <JNUNN@ci.martinsville.va.us>  
**Date:** 2/22/2023, 9:31 AM  
**To:** ROBERTA HILL <rbhill67@comcast.net>

Documents received.

JEANIE

**JEAN P. NUNN**, Clerk of Court  
Martinsville Circuit Court Clerk's Office  
(276-403-5251)

---

**From:** ROBERTA HILL <rbhill67@comcast.net>  
**Sent:** Tuesday, February 21, 2023 3:49 PM  
**To:** Jeanie Nunn <JNUNN@ci.martinsville.va.us>; Andy Hall <ahall@ci.martinsville.va.us>; Nancy Sherman <nsherman@ci.martinsville.va.us>; OAG Criminal Litigation (oagcriminallitigation@oag.state.va.us) <oagcriminallitigation@oag.state.va.us>; Coen, Chris <ccoen@oag.state.va.us>; ER Hamilton <EHAMILTON@ci.martinsville.va.us>; Hill, Justin B. <JHill@oag.state.va.us>  
**Cc:** Ken & Stella Forinash <kenstella@comcast.net>; kenstella2005@comcast.net; stanleybolten@justiceforuswgo.nl  
**Subject:** Re: Martinsville Circuit Court, Two Notices of Appeal, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill (Financial Affidavits)  
**Importance:** High

**CAUTION:** This email originated outside the City of Martinsville's email system.

Do not click links or open attachments unless you recognize the sender and know the content is safe.

Forgot the Affidavits of Indigence for both notices of appeal. They are attached as Aff-Indigence2-21-2023.pdf and 2Aff-Indigence2-21-2023.pdf.

On 02/21/2023 3:39 PM ROBERTA HILL <[rbhill67@comcast.net](mailto:rbhill67@comcast.net)> wrote:

Clerk of Circuit Court for the City of Martinsville;  
CC: Glen Andrew Hall, Esquire.;  
CC: Assistant Attorney General Justin Hill, Esq.,

I am Roberta Hill, Brian's mother. I am filing two Notices of Appeal regarding two orders of the Circuit Court. It is all being filed through email to you on Brian's behalf due to his federal probation conditions where he is not allowed to use the internet. He is having me file this pleading on his behalf. My son is having me to serve the respondents through email as well. This email to the Clerk with the Respondents in the email message headers prove to the Clerk that I had served the Respondents a copy of these pleadings, and may also be faxed as well by Brian D. Hill in the event that email fail.

Filings are attached:

**1-Notice-of-Appeal-2-21-2023.pdf:** - 1st Notice of Appeal regarding final order entered February 17, 2023

**2-Notice-of-Appeal-2-21-2023.pdf:** 2nd Notice of Appeal regarding final order entered February 14, 2023

To Clerk: Please confirm by read receipt or response message confirming that you have received this. Thank You!

Roberta Hill (representative for electronic filing)  
310 Forest Street, Apartment 1  
Martinsville, Virginia 24112

Two Notices of Appeal, case no. CR19000009-00, Circuit Court for the City of Martinsville  
Commonwealth of Virginia, City of Martinsville v. Brian David Hill

Defendant:  
Brian David Hill  
310 Forest Street, Apartment 2  
Martinsville, Virginia 24112

Thanks,  
Roberta

**Subject:** RE: Martinsville Circuit Court, 3rd Notice of Appeal and financial affidavit, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill  
**From:** Jeanie Nunn <JNUNN@ci.martinsville.va.us>  
**Date:** 2/22/2023, 9:31 AM  
**To:** ROBERTA HILL <rbhill67@comcast.net>

Documents received.

JEANIE

**JEAN P. NUNN**, Clerk of Court  
Martinsville Circuit Court Clerk's Office  
(276-403-5251)

---

**From:** ROBERTA HILL <rbhill67@comcast.net>  
**Sent:** Tuesday, February 21, 2023 11:03 PM  
**To:** Jeanie Nunn <JNUNN@ci.martinsville.va.us>; Andy Hall <ahall@ci.martinsville.va.us>; Nancy Sherman <nsherman@ci.martinsville.va.us>; OAG Criminal Litigation (oagcriminallitigation@oag.state.va.us) <oagcriminallitigation@oag.state.va.us>; Coen, Chris <ccoen@oag.state.va.us>; ER Hamilton <EHAMILTON@ci.martinsville.va.us>; Hill, Justin B. <JHill@oag.state.va.us>  
**Cc:** Ken & Stella Forinash <kenstella@comcast.net>; kenstella2005@comcast.net; stanleybolten@justiceforuswgo.nl  
**Subject:** Martinsville Circuit Court, 3rd Notice of Appeal and financial affidavit, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill  
**Importance:** High

**CAUTION:** This email originated outside the City of Martinsville's email system.

Do not click links or open attachments unless you recognize the sender and know the content is safe.

Clerk of Circuit Court for the City of Martinsville;  
CC: Glen Andrew Hall, Esquire.;  
CC: Assistant Attorney General Justin Hill, Esq.,

I am Roberta Hill, Brian's mother. I am filing 3rd Notice of Appeal and financial affidavit. It is all being filed through email to you on Brian's behalf due to his federal probation conditions where he is not allowed to use the internet. He is having me file this pleading on his behalf. My son is having me to serve the respondents through email as well. This email to the Clerk with the Respondents in the email message headers prove to the Clerk that I had served the Respondents a copy of these pleadings, and may also be faxed as well by Brian D. Hill in the event that email fail.

Filings are attached:

**3-Notice-of-Appeal-2-21-2023.pdf:** - 3rd Notice of Appeal regarding final order entered February 21, 2023

**3Aff-Indigience2-21-2023.pdf: Affidavit of Indigence for 3rd Notice of Appeal**

To Clerk: Please confirm by read receipt or response message confirming that you have received this. Thank You!

Roberta Hill (representative for electronic filing)

310 Forest Street, Apartment 1  
Martinsville, Virginia 24112

3rd Notice of Appeal and financial affidavit, case no. CR19000009-00, Circuit Court for the City of  
Martinsville  
Commonwealth of Virginia, City of Martinsville v. Brian David Hill

Defendant:  
Brian David Hill  
310 Forest Street, Apartment 2  
Martinsville, Virginia 24112

Thanks,  
Roberta